



September 16th, 2021

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 22nd September 2021** at **10:00 am** in **Mourne Room Downshire and Microsoft Teams**.

Committee Membership 2021-2022

- Cllr. D McAteer (Chair)
- Cllr. C Enright (Deputy Chair)
- Cllr. R Burgess
- Cllr. L Devlin
- Cllr. G Hanna
- Cllr. V Harte
- Cllr. M Larkin
- Cllr. D Murphy
- Cllr. L McEvoy
- Cllr. H McKee
- Cllr. G O'Hare
- Cllr. J Trainor

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 the entire item.

- Item 6 – P/2013/0189/F – Cllrs. Burgess, Harte, Larkin, Murphy, O'Hare and Trainor can take part in the discussion/decision on this application

Minutes for Adoption

4.0 Minutes of Planning Committee Meeting held on Wednesday 25 August 2021. (Attached).

 *Planning Committee Minutes 25-08-2021.pdf*

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For Discussion/Decision

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

 *Addendum list - 22-09-2021.pdf*


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Development Management - Planning Applications for determination





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

REFUSAL

- A request for speaking rights has been received from Gavyn Smyth, Clyde Shanks, in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Barry Gray, agent; Malachy McCourt, Club Trustee and Charlie Daly, Club Committee Member, in support of the application. **(Submission attached).**
- Item 6 – P/2013/0189/F – Cllrs. Burgess, Harte, Larkin, Murphy, O'Hare and Trainor can take part in the discussion/decision on this application

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

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 <i>Addendum to Case Officer Report - P.2013.0189.F.pdf</i>	<i>Page 32</i>
 <i>2nd Addendum to Case Officer Report - P.2013.0189.F.pdf</i>	<i>Page 35</i>
 <i>Item 6 - P-2013-0189-F (objection).pdf</i>	<i>Page 41</i>
 <i>Item 6 - P-2013-0189-F (support).pdf</i>	<i>Page 43</i>

7.0 LA07/2020/0299/F - Single storey dwelling - Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick. (Case officer report and addendum attached).

REFUSAL



- Addendum list

 <i>LA07 2020 0299 F COR.PDF</i>	<i>Page 44</i>
 <i>LA07 2020 0299 F Addendum.pdf</i>	<i>Page 49</i>

8.0 LA07/2020/0964/F Replacement dwelling and detached garage (Amended Plans) 3 Cedar Heights Bryansford. (Case Officer report attached).

REFUSAL

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

 <i>LA07-2020-0964-F Cedar Heights - Replacement.pdf</i>	<i>Page 52</i>
 <i>Item 8 - LA07-2020-0964-F.pdf</i>	<i>Page 59</i>

9.0 LA07/2020/1881/F Side extension and first floor extension to dwelling 11 Mountnorris Newcastle. (Case Officer report attached).

REFUSAL

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

 <i>LA07-2020-1881-F - Mountnorris.pdf</i>	<i>Page 61</i>
 <i>Item 9 - LA07-2020-1881-F.pdf</i>	<i>Page 69</i>

10.0 LA07/2021/0712/O Infill Site for 2 Dwellings and Garages Immediately South East of 137 Tullybrannigan Road Newcastle. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Heather and Michael McClelland in objection to the application. **(Submission attached)**.
- A request for speaking rights has been received from Martin Bailie, agent, and Sean Murray, applicant, in support of the application. **(Submission attached)**

 *LA07-2021-0712-O - Tullybrannigan Rd (Infill) (AutoRecovered).pdf* *Page 71*

 *Item 10 - LA07-2021-0712-0 (objection).pdf* *Page 78*

 *Item 10 - LA07-2021-0712-0 (support).pdf* *Page 79*

11.0 LA07/2020/1854/O Infill dwelling 40m NW of 169 Bryansford Road Kilcoo. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Declan Rooney, agent, and John McClean, applicant, in support of the application. **(Submission attached)**.

 *LA07-2020-1854-O -40m NW of 169 Bryansford Road Kilcoo.pdf* *Page 81*

 *Item 11 - LA07-2020-1854-0.pdf* *Page 89*

12.0 LA07/2020/0552/F Erection of a new dwelling (change of house type from that approved under P/2014/0923/F) with new access arrangements through proposed shared access with No. 115 Greencastle Pier Road Lands adjacent and east of 115 Greencastle Pier Road Kilkeel. (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07-2020-0552-F- Greencastle Pier Road.pdf* *Page 91*

13.0 LA07/2021/0036/F Proposed 2 No. Subterranean Glamping units 240m North West of 35 Carrick Road Warrenpoint BT34 3QR. (Case Officer report attached).

APPROVAL

- Addendum list


 *LA07-2021-0036-F Carrick Road.pdf*

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14.0 LA07/2020/0730/F Proposed Erection of 4 No Terraced Houses Between 32 and 38 Mountain Road Kilkeel. (Case Officer report attached).

REFUSAL

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

 *LA07_2020_0730-F Mountain Rd.pdf*

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 *Item 14 - LA07-2020-0730-F.pdf*

Page 126


15.0 LA07/2018/1650/F 13 no. apartments and attendant site works 29-31 Canal Street Newry BT35 6JB. (Case Officer report attached).

REFUSAL

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

 *2018.1650.F.PDF*

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 *Item 15 - LA07-2018-1650-F.pdf*

Page 145


16.0 LA07/2018/1672/DCA Demolition of existing public house (closed) and construction of new residential development 29-31 Canal Street Newry BT35 6JB. (Case Officer report attached).

REFUSAL

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

 *2018.1672.DCA.PDF*

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 *Item 16 - LA07-2018-1672-DCA.pdf*


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17.0 LA07/2021/0358/O Proposed erection of outline rural detached infill dwelling house and detached domestic garage Located

approximately 50 metres south east of no. 91 Maphoner Latbirget Mullaghbawn. (Case Officer report attached).

REFUSAL

- This application is being removed from the schedule at the request of Councillor McAteer as the agent is unable to attend the meeting on 22 September 2021 and will be re-presented at the October Meeting.


 [2021.0358.O.PDF](#)

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18.0 LA07/2020/1845/F Proposed replacement dwelling 36 Newtown Road Camlough Newry Co. Down. (Case Officer report attached).

REFUSAL

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

 [2020.1845.F.PDF](#)

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 [Item 18 - LA07-2020-1845-F.PDF](#)

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For Noting

19.0 Historic Actions Tracking Sheet. (Attached).

 [Planning HISTORIC TRACKING SHEET - Updated September 2021.pdf](#)

Page 171

20.0 Planning Committee Performance Reports for August 2021. (Attached).

 [August 2021 Planning Committee Performance Report.pdf](#)

Page 177

21.0 Current appeals and decisions August 2021. (Attached).

 [Current Appeals and Decisions issued in August 2021.pdf](#)

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Local Development Plan Items - Exempt Information

22.0 LDP: Planning Policy Review - Minerals. (Attached).

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014, information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public, may, by resolution, be excluded during this item of business.

 **PC Report re LDP PPR - Minerals.pdf**

Not included

 **PPR Paper - Minerals (PC 22.9.21).pdf**

Not included

23.0 LDP: Planning Policy Review - Renewable Energy. (Attached).

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014, information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public, may, by resolution, be excluded during this item of business.

 **PC Report re LDP PPR - Renewable Energy.pdf**

Not included

 **PPR Paper - Renewable Energy (PC 22.9.21).pdf**

Not included

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 25 August 2021 at 10.00am in the Mourne Room, Downshire Estate, Downpatrick and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: (Committee Members)

Councillor R Burgess
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D Murphy
Councillor L McEvoy
Councillor H McKee
Councillor G O'Hare
Councillor J Trainor

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer (via Teams)
Ms M McIlhone	Deputy Principal Planning Officer (via Teams)
Mr A Hay	Principal Planning Officer PPTO (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Ms P Manley	Senior Planning Officer (via Teams)
Mr M McQuinston	Senior Planning Officer SPTO (via Teams)
Mr S Maguire	Planning Officer
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor
Ms S Taggart	Democratic Services Manager
Ms C McAteer	Democratic Services Officer (via Teams)
Ms L Dillon	Democratic Services Officer (via Teams)
Ms L O Hare	Democratic Services Officer (via Teams)
Mr G McShane	Planning Assistant
Mr C McKay	Planning Assistant

P/069/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor L Devlin.

P/070/2021: DECLARATIONS OF INTEREST

No declarations of interest received.

**P/071/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Item 7 – LA07/2018/1787/F – Cllrs. Hanna, Harte, Larkin, McAteer, McKee, and Trainor can take part on any discussion/decision on this application. (Application is on Addendum List)

MINUTES FOR CONFIRMATION

**P/072/2021: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 28 JULY 2021**

Read: Minutes of Planning Committee Meeting held on Wednesday 28 July 2021. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 28 July 2021 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/073/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 25 August 2021. **(Copy circulated).**

AGREED: **On the proposal of Councillor McKee seconded by Councillor Hanna it was agreed to approve the Officer recommendation in respect of the following application listed on the addendum list for Wednesday 28 July 2021:**

- **Item 7 - LA07/2018/1787/F 23 Downpatrick Road Killough
Proposed extension to existing Materials Recovery Facility Building
APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/074/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

(1) LA07/2020/0661/O

Location:

Land opposite and West of Nos. 10 - 32 Grove Gardens, Killyleagh - Housing development

Proposal:

Housing Development.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

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

Speaking rights:

In objection:

Councillor T Andrews and Councillor B Walker (on behalf of residents objecting to the application) presented detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Original houses were built during late 1950s/60s and were not designed for multi vehicle homes - the provision of additional houses will increase existing parking problems in this location and will hamper access for emergency vehicles.
- Currently no turning bay for large vehicles, ie, refuse lorries.
- Increased traffic will bring safety risks for pedestrians and children who already live in the area.
- The proposal will impact on views of the countryside
- The proposal will impact on valuation of existing properties in the area
- The area is not suitable for development due to sloped topography of the ground.
- Concerns regarding the existing houses overlooking the development.
- Concerns from farmers regarding illicit dumping on lands.

Mr McKay explained the site was in an established residential area and was within the development limit therefore the principle of the development is effectively established. The proposal would involve the transfer of land to the Housing Executive for the purposes of provision of social housing and added this outline stage of the development did not involve the consideration of design options.

He added that on balance, and following consultations, it is the view of the Planning Department that the site can accommodate a level of development.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Trainor it was unanimously agreed to defer Planning Application LA07/2020/0661/O for a site visit to allow Members to assess the site in more detail and that representation from the Applicant, ie, the Council, to be in attendance along with a representative from the Council's Estates Department, or the Department for Infrastructure.

(2) LA07/2019/0565/F

Location:

5 Donard Park Newcastle

Proposal:

Proposed residential project consisting of 12nr apartments including associated car parking and communal open space located off a private road at Donard Park (Amended Proposal)

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

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

Speaking rights:In support:

Gerard McClelland and Pow Knox Ganson UK, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr McClelland and Mr Knox indicated the proposal would compliment existing development and would provide independent living for active elderly residents providing 12 apartment units with layout adapted to suit complex needs / requirements of the residents.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Trainor it was agreed to issue an approval in respect of Planning Application LA07/2019/0565/F as per the information and recommendation contained in the Case Officer Report presented to Committee.

(11.05am – Cllr Burgess joined the meeting)

(3) LA07/2020/0531/F**Location:**

Between 82A and 88 Belfast Road Saintfield

Proposal:

Proposed Stable Block (Domestic), new access, hard standing and all associated works (Amended site description and address)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:In support:

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

Mr McKay said the proposal is situated along a protected route and contrary to Policy in relation to protected routes. It involves the creation of a new access – this is specifically prohibited by policy as the proposal would require an existing vehicular access which is not provided in this case.

Mr Stephens expanded on the following main issues, in support of the application:

- The presence of an existing unlimited access.
- No third party objection from statutory agencies.
- Harm to road safety had not been demonstrated.
- Planning policy should aim to strike a balance and not restrict development the rural community.

Issues raised:

- The proposal will be an enhancement of an existing access that the applicant has used for many years.
- Policy states a field gate is not an access for the purposes of this proposed development.
- Concerns that Planning Department were applying a 2005 policy which had since been superseded by another policy.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/0531/F, contrary to Officer recommendation, on the basis that this application is believed to be an exceptional case in that there is a need for this type of facility; outdoor sport should be promoted; Department for Infrastructure have no objections to the application; the development will bring increased road safety along this road, ie, it will improve access to this agricultural land; and encourage outdoor sporting activities of an equestrian nature. Councillor McKee seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor McKee it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0531/F, contrary to Officer recommendation, on the basis that this application is believed to be an exceptional case in that there is a need for this type of facility; outdoor sport should be promoted; Department for Infrastructure have no objections to the application; the development will bring increased road safety along this road, ie, it will improve access to this agricultural land; and encourage outdoor sporting activities of an equestrian nature.

(4) LA07/2021/0027/O

Location:

60m North of 67 Dechomet Road Dromara

Proposal:

Demolition of existing vacant dwelling and erection of replacement dwelling and garage as per CTY3 PPS21

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:**In support:**

Mr William Wallace agent and Mr Pat Rooney Applicant agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr McKay said it was the view of Planning Department that the building was not a dwelling and therefore was not susceptible to a replacement dwelling.

Mr Wallace Agent, said the building was previously a dwelling and indicating Planning Department had previously acknowledged the built up flue and doorways, the Department acknowledges historic maps and neighbours recall people living in the building.

Issues Raised:

Noted one side of the building had been used to house cattle over the past number of years. Alterations had been carried out to the building to prevent further deterioration.

AGREED:

On the proposal of Councillor Murphy seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/0027/O contrary to Officer recommendation on the basis that the Committee believe the building was once a dwelling as it exhibits essential characteristics of a dwelling, including the boundary of what was once a garden.

(11.40am – the meeting adjourned)

(11.55am – the meeting resumed)

(5) LA07/2020/1208/O**Location:**

Northeast of 5b Mullavat Road Greenan Newry BT34 2QB

Proposal:

Proposed 1 no. infill dwelling (amended proposal)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:**In support:**

Mr Declan Rooney agent and Mr Joe McGovern Applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members, and power point presentation.

Issues Raised:

- The proposal does not represent a small gap site, where it is considered this site could accommodate more than two dwellings having account the existing character, and that the site presently represents a visual break in the locality which helps maintain rural character.

- The proposals for the site are not in keeping with the development pattern in the location.
- Agent considers the proposed site to be within the range and the plot is broadly reflective of other adjacent plots in the area.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1208/O, contrary to Officer recommendation, if the Committee accepted the site curtilage was 51 metres, not 37.9 metres and therefore meet the requirements of Policy CTY8.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1208/O, contrary to Officer recommendation, as the Committee accepted the site curtilage was 51 metres, not 37.9 metres and believe it meets the requirements of Policy CTY8.

(6) LA07/2021/0246/F

Location:

Immediately north-west of 102 Tullybrannigan Road Newcastle

Proposal:

Proposed 3no. self-contained tourism units

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In objection:

Luke Howard presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support:

Mr Declan Rooney agent and Gerard Milligan Applicant agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

The objectors to the proposal believe the proposed commercial development will impact on the existing environment, fabric and atmosphere of the area.

The Agent/Applicant believe attractions such as walking trails, ie, Newcastle Way, Mourne Way and Ulster Way are indeed tourist attractions - these were not included in the NISRA Survey of NI Visitor Attractions as these are free to the public and the Survey only included

those attractions which charged a fee. The Newry Mourne & Down Tourism Strategy identifies walking/hiking as a 'unique Mourne- Gullion experience' and also identifies a lack of tourist accommodation to serve these experiences. Discover Northern Ireland in association with Tourism NI, lists walking / hiking under "Things to Do" in Northern Ireland. The proposal is located within close proximity to many tourist attractions, ie Newcastle, Tollymore Forest Park and filming locations for Game of Thrones.

Issues raised:

- The development is reflective of the previous application in terms of size.
- Objectors would be supportive of development appropriate to the area.
- Planning Department have concerns regarding the location of the development being referred to as being adjacent to the Ulster Way as this is not a tourist attraction in its own right but is an area of 600 miles in length – if the proposal was approved on this basis the Planning Department would have concerns this would lead to sporadic uncontrolled development and is therefore considered not located adjacent to a tourist amenity.
- Basis upon which occupancy rates have been calculated.
- A number of self-catering units are already in the area – may not be similar to the proposal type.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2021/0246/F for a site visit to allow Members to assess the site in more detail and to view the location of Tollymore Forest Park to establish how closely sited tourism/visitor attractions are to the proposal.**

(12.55pm – Cllr R Burgess left the meeting)

(7) LA07/2020/0350/O

Location:

40m south of No 27 Mill Road Hilltown

Proposal:

Proposed site for infill dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In support:

Mr Brendan Starkey agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members and a power point presentation.

Mr Keane explained the reasons for refusal of the application as the proposal does not lie within a substantial and continuously built up frontage; the remains of the old Mill building are in a state of disrepair with no roof therefore this partially completed structure does not constitute a building for the purposes of CTY8, and as such there is no existing continuous

built up frontage on either side to allow the site to be a gap site therefore failing policy CTY8.

Mr Starkey referred to 4 steps identified by the PAC in establishing an infill opportunity and said the issue to consider is whether there is a small gap within an established and continuously built up frontage. Historic maps showed the old mill building in situ as far back as the 1900s, with permission granted in 2001, 2004 and 2006 for the erection of a replacement dwelling. Planning policy does not state a building must have a roof for it to be considered a building. He referred to two recent approvals granted for infill dwellings where the applications relied on a building with no roof.

Issues Raised:

- Discussion took place regarding clarity as to whether or not the existing old Mill structure was considered a building.
- Previous planning permissions for this site indicated that the existing old building was a building worthy of replacement as a dwelling for the purposes of the policy at that time.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/0350/O, contrary to officer recommendation on the basis that an argument has been made in relation to the proposal being an infill as similar applications have been approved by Committee in Kilcoo for 2 No. infill; an application was approved in Crossmaglen involving a structure with 4 walls being accepted as a building; it is believed the existing building structure complies with the definition of a structure and complies with CTY8.

Planning Officers be delegated authority to impose any relevant conditions.

(8) LA07/2020/0494/F

Location:

Site adjacent to and 30m NE of The Kilbroney Vicarage Forestbrook Road Rostrevor

Proposal:

Proposed Car park and associated site works to serve existing business at Bradfor Ltd Rostrevor, using existing footway link on Forestbrook Road

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

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

Speaking rights:

In support:

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

Mr Keane explained the proposal was for a private car park of approximately 60 spaces to serve a nearby business – the car park will be fenced off with low level lighting with no impact to existing trees. The proposal will improve parking in the area; objections have been

received from 8 no. addresses and following consultation all consultees are content with the proposals as they comply with policy.

Mr Fletcher explained that acquiring the land depended upon gaining planning approval for car parking and funds generated contributing towards the continued restoration works to the roof of Kilbroney Parish Church bringing benefit to the local community. The Bradfor company has made significant contribution to the local economy and to employment and plans in place for future growth. Current car parking facilities are not satisfactory and the provision of a dedicated car park could bring relief for residents, employees, alleviate traffic volume on nearby streets and increase safety.

AGREED: **On the proposal of Councillor O Hare seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2020/0494/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.**

(1.20pm – the meeting adjourned)

(1.55pm – the meeting resumed)

(9) LA07/2020/1627/F

Location:

72 Newry Road, Mayobridge, Newry

Proposal:

Proposed replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In support:

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

Mr Keane said Planning Department had no objection to the principle of a replacement dwelling however it had concerns regarding the size and design of the proposal as it would have significant greater visual impact and not appropriate for the site, which was located beside a scheduled monument, Edenmore Cashel. HED advise the proposal is contrary to PH1 of PPS6 as the development would have an adverse impact on the integrity of the setting of the cashel.

Mr Bailie indicated trees at each side of the site were equal to, and greater in height, than the proposal therefore allowing integration into the site. A similar house design has previously been approved in other areas within the District and the proposal is located along a highly developed route consisting of commercial and a mix of dwelling types which have no prevailing character to define this area. The site is not a new green field and it has an existing access, dwelling and sheds and is only visible for a distance of 500m on approach from Mayobridge. The description regarding variation of landscapes as set out in Policy CTY13, paragraph 5.58, should be taken into consideration. With regard to the adjacent location of the proposal to the Edenmore Cashel, there are no views of the Cashel on

approach from Mayobridge due to existing buildings and trees therefore no impact on integrity of the monument.

Issues Raised:

- Difference between ridge height of existing dwelling and proposed new dwelling - Planning Department met with applicant to discuss concerns and alternatives regarding ground levels and smaller house type and reduced scale.
- Could ground levels be dropped further and the distance between the proposal and the Cashel be decreased.
- Agent advised the site could be reduced and that the distance of the proposal from the Cashel is the same as the distance between the Cashel and the existing dwelling.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2020/1627/F, contrary to officer recommendation on the basis that a condition be included to lower the level of the proposed dwelling to almost road level, and that this, together with the existing trees that are taller than the proposed dwelling, will provide the necessary integration; there are a number of other two story dwellings along this road; a condition be included that the proposed dwelling be moved a distance towards Mayobridge.

Planning Officers be delegated authority to impose any relevant conditions.

(10) LA07/2021/0498/O

Location:

20m north of 14 Old Road Mayobridge Newry BT34 2HG

Proposal:

Proposed site for infill dwelling & garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In support:

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

Mr Keane said it is the view of the Planning Department that the site does not have continuous frontage to a portion of the laneway and the laneway is broken by the curtilage of No.16. The application is not sited within a substantial and continuously built up frontage therefore the principle of the development cannot be established and is contrary to Planning Policy CTY1, CTY8 and CTY14.

Mr Bailie said the application was for an infill opportunity and there were overriding issues as to why the application was essential. He pointed out the gate did not indicate the end of the lane but is in place for security reasons. The frontage of the site is onto the laneway. He

referred to 4 NO. appeals (A0198; A0037; 2013/248; 2019/0064) applications which have not been contained in the presentation by Planning Department but are relevant to the application site. The development would round off a traditional clachan form of housing stock in the countryside and it is incorrect to say there are two laneways and no loop at the end of the laneway.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2021/0498/O for a site visit to allow Members to assess the site in more detail.**

(11) LA07/2021/0395/F

Location:

Adjacent to no. 17 Oakland Grove Upper Dromore Road Warrenpoint BT34 3SQ

Proposal:

Proposed one-bedroom detached dwelling and alterations to access to no. 17 Oakland Grove, Warrenpoint

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In support:

Mr John Cole Agent and Sarah Magee, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Keane said the site was considered too small to accommodate the proposal, while the plot size is also out of keeping, and will not create a quality residential environment, and resulted in amenity concerns for adjacent properties therefore contrary to PPS7. There is no space in front of the dwelling, there is only space for 1 car within the site which is also built over due to lack of restricted size of the site, and there is minimal usable private amenity space. The proposal represents cramming and overdevelopment with amenity concerns regarding overlooking due to the size of the proposal and proximity to boundaries.

Mr Cole Agent, explained the scale of the proposal was similar to surrounding dwellings and would not have a detrimental impact on the character of the area. The proposal meets the criteria set out in the Creating Spaces document in that it 1 and 2 bedroom houses on small urban infill sites will be acceptable, and with regard to open space provision. There is adequate distance between the proposal and the existing dwelling for car parking and rear access to No.17 and the existing garage on the proposed site respects the character of the streetscape and the car port will have no detrimental impact on the area or streetscape. The scale and density of the proposal is similar to surrounding dwellings in terms of height, depth and massing. Boundary distances between the proposal and adjacent property is acceptable and no objections have been received from the owner of the adjacent property. Development in the area is of a mixed type and the proposal will have no detrimental impact on neighbouring properties or the character of the area.

Issues Raised:

- Access issues

- Possibility of reducing height.
- The existing garage is to be removed to accommodate the proposal – the existing garage would not facilitate the type of proposal required – an upstairs storey is required as to provide a bungalow would result in loss of amenity space.
- Concerns regarding potential overshadowing in gardens of adjacent properties.
- The site is too small to incorporate parking.
- Proximity of proposal to boundaries – front, side and rear.
- Accessibility requirements for disability rear access.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/0395/F, contrary to Officer recommendation, on the basis that there is adequate room on the site for the proposed unit; on street parking is possible; there is adequate amenity for a one bedroom house, and that a condition be attached that the proposed design height of the roof space be lowered. Councillor Hanna seconded the proposal.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/0395/F, contrary to Officer recommendation, on the basis that there is adequate room on the site for the proposed unit, as shown by the approval of other similar applications; on street parking is possible; there is adequate amenity for a one bedroom residential unit, and that a condition be attached that the proposed design height of the roof space be lowered.**

Planning Officers be delegated authority to impose any relevant conditions.

(12) LA07/2020/0496/F

Location:

Approx. 105m NE of junction of Bernish Road and Seavers Road, Newry

Proposal:

Consolidation of existing development to form single dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In support:

Mr Colin O Callaghan Agent, presented in support of the application, detailing and expanding upon a written statement and power point presentation, that had been circulated to Committee Members.

Mr Davidson said in 2013 planning was refused on this site for a proposed new farm dwelling and subsequently was unsuccessful following appeal to the PAC. The proposal is being considered under COU 1 Special Countryside Areas. Existing buildings on the site are in poor condition and have been referenced by the PAC as being dilapidated stone structures, and it is the view of Planning that the buildings in their current state may not be fit to be included in any proposed development. The proposal is seeking to create a new dwelling which Planning would consider a new dwelling and not consolidation given the scale of the proposal submitted nor is it in character and scale with the existing buildings. The proposal would have a detrimental impact on the Special Countryside Area and the proposed new access, laneway and parking will not integrate.

Mr O Callaghan Agent said the proposal met all the criteria of COU 1 and Planning Department and applying tests which are not set out in this policy and referred to a similar case in Limekiln Road Camlough which was granted approval for consolidation. The previous PAC decision on this site was based on a new dwelling application. The existing buildings are barely visible from the landscape and proposals are in keeping with the scale of the buildings and scale size has been inaccurately calculated by Planning Department using outdated floor plans. Maintenance has been carried out on the buildings and they do meet the statutory definition of a building therefore meeting the minimum requirement for consolidation of buildings. Regarding access this is already in place and due to scale and height being taken into consideration there should be no visual awareness of the site.

Issues Raised:

- Critical viewpoints – there will be no increase in height and the proposal will be of limited visibility.
- Possibility of lowering the site and using alternative colour.
- Access issues.
- Planning concerns regarding scale, size and integration.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/0496/F for a site visit to allow Members to assess the site in more detail.**

(13) LA07/2020/1355/F

Location:

90 metres north of 14 Upper Clontigora Road Killeen

Proposal:

Newry Erection of replacement dwelling with detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

In support:

Mr Colin O Callaghan Agent, presented in support of the application, detailing and expanding upon a written statement and power point presentation, that had been circulated to Committee Members.

Mr Davidson said the siting of the proposal was not sympathetic to the AONB. Previous planning history exists for applications for replacement dwelling on the site which had been approved and others refused on the basis of build-up of development and the rural policies. Planning department have concerns regarding the cumulative impact the off-site location could have on other policy considerations and is contrary to CTY 1; CTY3; CTY13; CTY14; CTY16; PPS 2 NH 6.

Mr O Callaghan Agent, said the proposal to move the dwelling to an off-site location would bring an advantage as it would provide a modest dwelling fit for modern day habitation, as this type of dwelling would not fit within the current folio of the existing dwelling; it will improve rural character by reducing the extent of existing ribbon development; will provide space and a buffer which will prevent any infill opportunities; road safety benefits; amenity benefits for the applicant by not having to reside immediately adjacent to the existing business. Other matters that should be given more considered include noise from the adjacent business; the proposal lies within a ribbon development and is a one for one replacement; due to size and shape of original site it would not be possible to replace within this site; compliance of access and parking on the existing site.; previous planning decisions were based on different policies.

Issues Raised:

- Siting of the proposal - setting the proposal back from the road will lessen the sense of ribbon development however applicant would agree to moving the proposal to the front of the field.
- The need for off site development has not been demonstrated.
- DfI provided comments based on the new access.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/1355/F, for further discussion with regard to the siting of the proposal and bring back to Planning Committee in due course.

(14) LA07/2020/0893/F

Location:

60 metres South of No. 49 Ballsmill Road, Glassdrumman, Crossmaglen

Proposal:

Proposed erection of 2 no. detached rural infill dwelling houses and detached garages ancillary works and additional landscaping.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

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

Speaking rights:

In objection:

Ms Michelle Teggart and Mr Colin Bennett presented in objection to the application detailing and expanding upon a written statement that had been circulated to Members.

In support:

Mr Barney McKevitt Agent, presented in support of the application, detailing and expanding upon a written statement and power point presentation, that had been circulated to Committee Members.

Mr Davidson said the application was for a gap site with substantial built up frontage for two modest 1.5 storey properties and the proposal was appropriate for the area and will not result in ribbon development in the area nor would the proposal be considered to be a prominent feature in the landscape. Development on either side of the site provides integration and will only be visible along a short section of the public road. DfI have not raised any objections to the proposed access and will not impact on safety. The proposal is considered an infill opportunity and will not represent ribbon development and no loss of amenity due to overlooking nor will it impact the privacy of neighbouring properties. Statutory obligations have been fulfilled in terms of provision of adequate sight splays. Previous refusals have been considered, since then new planning policies have been published and the proposal has been considered under the relevant policy. Planning are content the proposal complies with policy subject to relevant conditions.

Ms Taggart stated objectors believe the proposal does not fall within a ribbon development. No.47 is not a road frontage dwelling but is separated from the road by two agricultural fields and while the large roadside curtilage is approved in principle, it has not been established on the ground. PAC consistently rule that buildings must be visible to qualify as a gap site within a line of 3 buildings which is not the case with this proposal. Planning guidance issued by the Minister on Development in the Countryside sets out a change in how planning policy is interpreted and states all development in the countryside should integrate and respect rural character and not create/add to ribbon development. The proposal fails to integrate and does not respect the traditional pattern of settlement and will erode the rural character of this location – the site is on rising ground, lacks mature vegetation, the proposed dwellings will overshadow No.51 and will have road prominence travelling in both directions along Ballsmill Road and Glassdrumman Road. Owners at No.49 will not be providing the lands required for sightlines for the proposal

Mr McKevitt referred to CTY 1 and the aim of contributing to sustainable development with one of the exceptions being infill development, in accordance with CTY 8. Previous planning applications associated with the lands were based upon entirely different proposals and planning policies and decisions issued by different a planning authority. Historically in relation to the lands planning permission was granted in 1979 for the erection of a bungalow P/1979/0369/F. A new access arrangement with road splays was granted together with a new access laneway and septic tank. The occupier of No.49 has not constructed their access arrangement in accordance with the required sight lines – the front boundary wall has not been set back the required distance and therefore has had a minimal impact on the applicants ability to implement sight splays. The occupier of No.49 would have required the removal of approximately 40m of hedgerow from land owned by applicant to satisfy their planning conditions, and the applicant is willing to provide these lands to ensure a safe access arrangement for the existing property at No.49. The sight visibility splays for the proposal is within the control of the applicant, as outlined in folio maps, and notice was duly served on all parties affected by the proposal and no legal representation has been received to date in relation to site visibility splays. The proposed design of the dwellings are similar with other dwellings in the area, with proposed dwelling and garage layout having front elevations fronting the Ballsmill Road and rear amenity and countryside views similar to properties at No.49 and No.51. Differences in the ridge heights of the proposed dwellings and the existing properties are considered acceptable in design terms and are in correlation with existing gradients of the Ballsmill Road. The proposal design is consistent with NI Water consultation and meets all the requirements contained in CTY 8.

Issues Raised:

- The proposal meets the exception of C11 8.
- Frontage measurements.
- Provision of required visibility splays.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed to defer Planning Application LA07/2020/0893/F for a site visit to allow Members to assess the site in more detail.

FOR NOTING

P/075/2021: HISTORIC ACTION SHEET

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

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

P/076/2021: PLANNING COMMITTEE PERFORMANCE REPORT JULY 2021

Read: Planning Committee Performance Report for July 2021.
(Copy circulated)

AGREED: It was unanimously agreed to note the Planning Committee Report for July 2021.

P/077/2021: PLANNING APPEALS AND DECISIONS

Read: Planning Appeals and Decisions Report for July 2021.
(Copy circulated)

AGREED: It was unanimously agreed to note the Report on Planning Appeals and Decisions for July 2021.

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

On the proposal of Councillor Murphy seconded by Councillor McKee it was agreed to exclude the public and press from the meeting during discussion on the following items:

P/078/2021: LDP : PROGRESS REPORT QUARTERLY UPDATE

Read: Report dated 25 August 2021 from Mr A McKay, Chief Planning Officer regarding the Local Development Plan – Progress Quarterly Report.
(Copy circulated)

P/079/2021: LDP: HOUSING LAND AVAILABILITY REPORT 2020

Read: Report dated 25 August 2021 from Mr A McKay, Chief Planning Officer regarding the Housing Land Availability Report 2020.
(Copy circulated)

On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairman advised the following decisions had been agreed:

P/078/2021: LDP: Progress Report – Quarterly Update

Agreed: On the proposal of Councillor O Hare seconded by Councillor Trainor it was agreed to note the LDP Progress Report Quarterly Update.

P/079/2021: LDP: Housing Land Availability Report 2020

Agreed: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to note the Housing Land Availability Report 2020.

The meeting concluded at 5.15pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 22 September 2021.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 22 September 2021

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:

- Item 7 – LA07/2020/0299/F – Single storey dwelling – adj to 7 Annacloy Road North, Dunnanelly, Downpatrick **REFUSAL**
- Item 12 - LA07/2020/0552/F Erection of a new dwelling (change of house type from that approved under P/2014/0923/F) with new access arrangements through proposed shared access with No. 115 Greencastle Pier Road Lands adjacent and east of 115 Greencastle Pier Road Kilkeel **APPROVAL**
- Item 13 - LA07/2021/0036/F Proposed 2 No. Subterranean Glamping units 240m North West of 35 Carrick Road Warrenpoint BT34 3QR **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

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

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



Site Characteristics & Area Characteristics:

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

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

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

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

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

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

Site History:

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

Planning Policies & Material Considerations:

The Banbridge, Newry and Mourne Area Plan 2015

PPS 8 Open Space

PPS 3 Access Movement and Parking

PPS 2 Natural Heritage

PPS 15 Flooding

PPS 21 Sustainable Development in the Countryside

PPS 6 Built Heritage and Archaeology.

The SPSS

Consultations:

NIEA: No objections

HED: Objection on grounds of impact to several Listed Buildings

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

Environmental Health: No objections

Rivers: No Objections.

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

Objections & Representations

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

Impact on setting of nearby listed building(s);

Unacceptable visual impact;

Noise (from patrons, whistles, vehicular traffic, intercom system etc);

Lack of new landscaping;

Road safety concerns - lack of footway link to the A2, lack of street lighting on Drumsesk Road, lack of passing bays, inadequate sight lines where Drumsesk Road intersects with the A2, inadequate width of Drumsesk Road, impact of flood lighting on road users of Drumsesk Road;

Surface water / drainage issues on Drumsesk Road;

Impact of proposed new access road on rural character and the setting of Arno's vale;

Query regarding disposal of water from the site;

Detrimental to the environmental quality of the area;

Light pollution / nuisance from floodlights;

Prominence (the club house);

Flooding concerns due to proximity to flood plain;

Impact on wildlife (red squirrels, otter, birds and bats).

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

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

Consideration and Assessment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy OS 5

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

Policy OS 7

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

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

PPS 21. Policy CTY 13

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

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

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

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

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

Policies CTY 14 & CTY 8.

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

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

PPS 2 Planning and Nature Conservation

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

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

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

PPS 3 Access, Movement and Parking

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

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

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

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

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

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

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

Recommendation:

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

Refusal Reason:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed development is a prominent feature in the landscape; it is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; it relies primarily on the use of new landscaping for integration; ancillary works do not integrate with their surroundings; the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the development would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character, and it would therefore result in a detrimental change to the rural character of the countryside.
4. The proposed development is contrary to Policy OS 3 of the Department's Planning Policy Statement 8 Open Space, Sport and Outdoor recreation, in that it has not been demonstrated that there will be no adverse impact on the natural and built heritage of this area, the proposal will have an adverse impact on the visual amenity of the area, the development will not integrate adequately with its surroundings and as the road network cannot safely handle the additional traffic that is likely to be attracted to the premises.
5. The proposal is contrary to Policy BH 11 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that it has not been demonstrated that the development will not have an adverse impact on the setting of a nearby listed building.
6. The proposed development is contrary to Policy AMP 3 of the Department's Planning Policy Statement 3 Access, Movement and Parking (as amended), and associated guidance, in that it would result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general road safety.

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

Case Officer: J McParland

Date: 01/12/2020

Authorised Officer: Pat Rooney

Date: 01/12/2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0189/F.

Date Received: 15 March 2013.

Proposal: Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works.

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

Addendum to Case Officer Report

- 1.0.** This application was brought to the Planning Committee on Wednesday 16 December 2020 with an opinion to refuse for the reasons outlined in the Case Officer's Report.
- 2.0.** The Planning Department reported to the Planning Committee that the proposal is based on the provision of sewage treatment by means of a waste water treatment tank. This gave rise to concerns about the possibility of contamination of ground water, nearby watercourses and the Lough situated nearby, which has several European designations within it. In recent letters, objectors have raised concerns in relation to protected species such as otters which are situated downstream from this proposal towards the lough.

- 2.1.** The Planning Department also reported to the Planning Committee that Shared Environmental Services (SES) had not been able to complete a satisfactory HRA on this proposal. This was due to the level of details available and the fact that NIEA had not provided its final comments on the merits and acceptability of the proposed method of sewage disposal. In light of this and the precautionary approach the Planning Department reported that the proposal is contrary to Policies NH 1, NH 2 and NH 5 of PPS 2 in that the proposal may have an adverse impact on the integrity of European Conservation sites and species within the nearby watercourses and Carlingford Lough. It also considered, based on the level of details provided, that the proposal would be contrary to CTY 16 of PPS 16 which deals with the disposal of sewage in the countryside.
- 3.0.** The Planning Committee voted to hold a site meeting to view the site and, in the interim, to allow the agent to submit an engineering solution to address SES concerns.
- 4.0.** Following the Planning Committee Meeting, the applicant submitted further details on the alternative means of sewage treatment on 23 February 2021, which were uploaded onto the planning portal.
- 5.0.** NIEA Natural Environment Division confirmed no objections, on 15 March 2021, to the proposed Treatment Plant in terms of impact on designated sites and other natural heritage interests. In a subsequent response to the Planning Department it confirmed that its previous response, on 15 March 2021, related only to the issues raised in a previous letter of objection dated 23 November 2020 and did not include the views of Water Management Unit on the revised details received from the applicant and posted on the portal. A further formal consultation to Water Management Unit issued on 19 April 2021.
- 6.0.** The Planning Department received 2 further letters of objection from the one address on 5 March 2021. These were repeats of letters previously received and referred to the the Case Officer's Report. These had been fully considered as part of the Planning Department's assessment of this application.

- 7.0.** The site visit, by members of the Planning Committee, took place on Friday 5 March 2021. The application is now returned to Committee following that site visit.
- 8.0.** The Planning Department awaits a response to its formal consultation issued to Water Management Unit. This is anticipated shortly and ahead of the date of the next Planning Committee. The Planning Department will provide details of that response to the Committee, when received, together with the views of Shared Environmental Services, the statutory body which carries out a Habitats Regulation Assessment (HRA) on behalf of the Council to establish the likely impacts of a proposal on designated sites.
- 9.0.** This addendum note should be read in conjunction with the Case Officer's Report previously provided to the Planning Committee.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0189/F.

Date Received: 15 March 2013.

Proposal: Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works.

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

2nd Addendum to Case Officer Report

- 1.0.** This application was brought to the Planning Committee on Wednesday 16 December 2020 with an opinion to refuse for the reasons outlined in the Case Officer's Report.
- 2.0.** The Planning Department reported to the Planning Committee that the proposal is based on the provision of sewage treatment by means of a waste water treatment tank. This gave rise to concerns about the possibility of contamination of ground water, nearby watercourses and the Lough situated nearby, which has several European designations within it. In recent letters, objectors had raised concerns in relation to protected species such as otters which are situated downstream from this proposal towards the lough.
- 2.1.** The Planning Department also reported to the Planning Committee that

Shared Environmental Services (SES) had not been able to complete a satisfactory HRA on this proposal. This was due to the level of details available and the fact that NIEA had not provided its final comments on the merits and acceptability of the proposed method of sewage disposal. In light of this and the precautionary approach the Planning Department reported that the proposal is contrary to Policies NH 1, NH 2 and NH 5 of PPS 2 in that the proposal may have an adverse impact on the integrity of European Conservation sites and species within the nearby watercourses and Carlingford Lough. It also considered, based on the level of details provided, that the proposal would be contrary to CTY 16 of PPS 16 which deals with the disposal of sewage in the countryside.

- 3.0.** The Planning Committee voted to hold a site meeting to view the site and in the interim, to allow the agent to submit an engineering solution to address SES concerns.
- 4.0.** Following the Planning Committee Meeting, the applicant submitted further details on the alternative means of sewage treatment on 23 February 2021, which were uploaded onto the planning portal.
- 5.0.** NIEA Natural Environment Division confirmed no objections, on 15 March 2021, to the proposed Treatment Plant in terms of impact on designated sites and other natural heritage interests. In a subsequent response to the Planning Department it confirmed that its previous response, on 15 March 2021, related only to the issues raised in a previous letter of objection dated 23 November 2020 and did not include the views of Water Management Unit on the revised details received from the applicant and posted on the portal. A further formal consultation to NIEA Water Management Unit issued on 19 April 2021.
- 6.0.** The Planning Department received 2 further letters of objection from the one address on 5 March 2021. These were repeats of letters previously received and referred to the the Case Officer's Report. These had been fully considered as part of the Planning Department's assessment of this application.
- 7.0.** The site visit, by members of the Planning Committee, took place on Friday 5 March 2021. The application was then placed on the agenda for the Commttee meeting on

Wednesday 5 May 2021 on the basis that the Planning Department would provide details of the statutory response from Water Management Unit and SES if and when available. Those responses had not been received at the time of the meeting and the item was removed from the Agenda by the Planning Department ahead of the Committee meeting.

- 8.0.** The Planning Department subsequently received a formal response from Water Management Unit on 5 May 2021. In its response, Water Management Unit confirmed that a discharge consent application has been received for this site and that this is currently still being processed. Consent to Discharge was subsequently granted on 11 May 2021.
- 9.0.** A formal consultation response was then received from Shared Environmental Services (SES) on 13 May 2021 and uploaded onto the planning portal. It confirmed that following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to the submission of a Construction Environmental Management Plan for approval by Council prior to any works commencing.
- 10.0.** The Planning Department has amended the case officer report in the light of the above. As a result, refusal reasons Nos 9, 10 and 11, as provided in the previous case officer report, no longer apply and have been removed.
- 11.0.** It is noted that the revised layout, submitted by the applicant on 23 February 2021, proposes a reduction in the number of car parking spaces from 103 spaces to 91 spaces, including 3 coach spaces. This issue had been raised on behalf of the objectors ahead of the Committee meeting on 5 May and it was suggested that DFI Roads should be consulted on the revised layout. In the light of this a further consultation was issued to Roads.

- 11.1.** The level of car parking to be provided is a matter for the planning authority to consider as part of its assessment of the application. Based on the published recommended parking standards of 1 space per 3 spectators; 1 space per 3 players; 1 coach space for 4 pitches, minimum of 2 per pitch; and 1 space per 3 staff, it is estimated that there would be a requirement for 70 spaces per match. This is based on 150 spectators (50 spaces); 42 players (14 spaces); and 7 officials (3 spaces) and 10 officers (3 Spaces). The Planning Department considered that the provision of 103 spaces was sufficient to cater for the proposed development and in line with published car parking standards. The Planning Department remains of the opinion that the revised provision of 91 spaces, including 3 coach spaces, is also sufficient.

DfI Roads did not raise car parking as an issue in its consultation responses. In its response, received on 18 May 2021, DfI Roads has confirmed no objections to the latest proposal and that its previous conditions are still applicable.

- 12.0.** This addendum note should be read in conjunction with the Case Officer's Report previously provided to the Planning Committee.

13.0. Recommendation:

- 13.1.** Having considered the proposal against all the prevailing planning policies the Planning Department has concluded that the proposal is contrary to the following Planning Policies for the refusal reasons detailed below.

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed development is a prominent feature in the landscape; it is unable to provide

a suitable degree of enclosure for the building to integrate into the landscape; it relies primarily on the use of new landscaping for integration; ancillary works do not integrate with their surroundings; the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the development would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character, and it would therefore result in a detrimental change to the rural character of the countryside.
4. The proposed development is contrary to Policy OS 3 of the Department's Planning Policy Statement 8 Open Space, Sport and Outdoor recreation, in that it has not been demonstrated that there will be no adverse impact on the natural and built heritage of this area; the proposal will have an adverse impact on the visual amenity of the area; the development will not integrate adequately with its surroundings and the road network can safely handle the additional traffic that is likely to be attracted to the premises.
5. The proposal is contrary to Policy BH 11 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that it has not been demonstrated that the development will not have an adverse impact on the setting of a nearby listed building.
6. The proposed development is contrary to Policy AMP 3 of the Department's Planning Policy Statement 3 Access, Movement and Parking (as amended), and associated guidance, in that it would result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general road safety.

- 7. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the private laneway off the Drumsesk Road.
- 8. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 6 in that the site lies within the Mourne AONB a designated site of local and national importance and would, if permitted, adversely affect the setting and integrity of the area by reason of integration and visual amenity.

Case Officer Signature:
Date: 07 07 2021
Appointed Officer Signature:
Date: 07 07 2021

PROJECT	Proposed Sports Complex
REFERENCE	P/2013/0189/F
DATE	14 th September 2021

Introduction

Thank-you for the opportunity to make a representation to you concerning this application that has been in the planning system for its 9th year. Again, I do not wish to repeat the 8 reasons why this application should be refused, as these have been articulated within the case officer report and have been set out previously in my last presentation to the Planning Committee in December 2020.

Principle of development

The proposal continues to be unacceptable in terms of the principle of development given the nature of the scheme as a sports facility and its location within a countryside setting. The scheme continues to offend policy AMP3 of PPS3 (as contained within PPS21) as the development would involve the creation of a new access out on to a protected route ie the A2, which is contrary to policy. The development does not utilise an existing access within a countryside location nor does it propose access to a minor road. The result is that the proposed scheme would prejudice the free flow of traffic and general road safety. If approved by members as being acceptable this would set a detrimental precedent going forward

Members will note that HED has consistently raised objections to the development in terms of the detrimental impact caused to the setting of nearby listed buildings as noted within the case officer report. The overall scale of the development, the new access road which will run across lands directly in front of Arnos Vale (Grade 2 listed building), the attendant traffic, noise, advertising and floodlighting will all significantly impact on the heritage of this area, which is contrary to policy BH11 of PPS6. However, as a reminder that should members seek to approve the development the application will have to be deferred to DFI Planning for reasons of going against the advice of a statutory consultee.

AONB Designation

The location of the development is within a designated Area of Outstanding Natural Beauty (AONB) and therefore is a sensitive landscape. Any development within such a sensitive landscape must be careful to ensure that it is sited and designed in such a way so as to avoid any adverse impact.

The proposed development fails to meet the policy test within NH6 of PPS2, which sets out to ensure that:

- the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.

As set out within the case officer report the proposed *"substantial cut and banking required to construct this proposal and the development and associated operational infrastructure of the ball stop nets, flood lighting, car parking, and the proposed access road and club house. These will all be prominent within the local rural area and will be detrimental to the character of the AONB."* These are features within the AONB that are "alien" and incongruous and contrary to the tests set out within policy NH6.

Visual amenity

Given the proposed development will be so prominent in the landscape and highly visible from public roads, the scheme is also contrary to the PPS21 policies. Policy CTY8 would be offended through the creation of ribbon development, while the scheme would also conflict with policies CTY13 and CTY14 through the erosion of rural character and the unacceptable integration of the scheme.

Need

The applicant has asserted that this is a community asset. However, there are currently over 2,800 residents in Rostrevor and under the GAA's Constitution, only those who are members of the GAA club (circa 400no.) will have access to this pitch. As previously set out, in terms of community benefit there is already a practice pitch at Kilbroney Park, a plethora of meeting rooms and other spaces available for the community within the village limits, including the old primary school, the new primary school, the centre within Kilbroney Park and the Kilbroney centre to mention but a few that are accessible to the whole community. The applicant at the December 2020 planning committee advised members that the practice pitch was more than sufficient to meet any requirements, in which there is a current application to upgrade these facilities.

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

Submissions on behalf of St Bronagh's GAA

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

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

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

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

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



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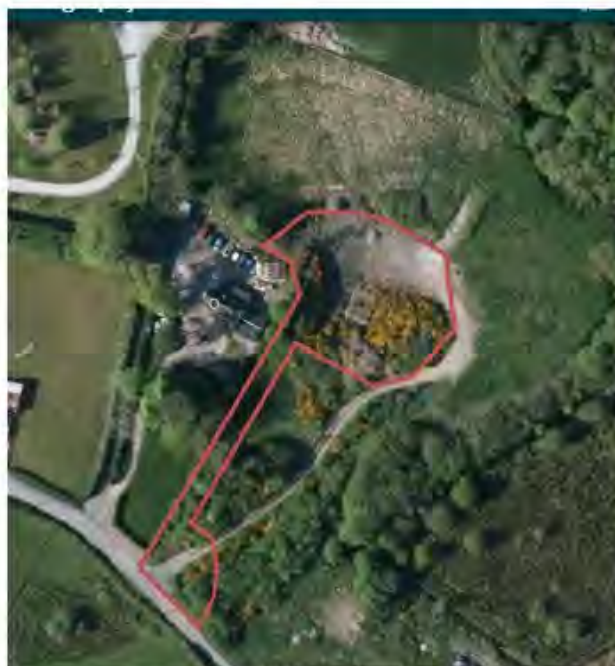
Application Reference: LA07/2020/0299/F

Date Received: 26.02.2020.

Proposal: Single storey dwelling

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

Site Characteristics & Area Characteristics:



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

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

Site History:

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

Planning Policies & Material Considerations:

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

Consultations:

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

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

Objections & Representations

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

Consideration and Assessment:

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

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

Principle of Development

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

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

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

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



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

Approved position of the garage under R/2008/0028/RM



The dwelling and garage within the application site was approved adjacent to the outbuilding within the adjoining curtilage of No. 7, with its longest, straight elevation less than 3 metres from this outbuilding. While the foundations on site only represent a small section of the development approved, they do not appear to be in a place where development was approved or represent the position of the approved garage. As demonstrated above, the north western corner of the foundations measure 19.8 metres from the outbuildings south eastern corner. The foundations do not appear to have been laid in accordance with the previous approval, development cannot therefore be considered to have commenced in accordance with the approved previously plans and thus the previous planning permission is considered to have expired.

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

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

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

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

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

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

Recommendation:
Refusal

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

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



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Application Reference: LA07/2020/0299/F

Date Received: 26.02.2020.

Proposal: Single storey dwelling

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

Addendum to Case Officers Report

Planning application LA07/2020/0299/F was recommended for refusal on the 16/11/2020 with the following refusal reason:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

This application was due to feature at the Council's Planning Committee in December 2020, but was removed from the agenda by Councillor Trainor. Further information was submitted by the agent on the 2nd February 2021 for consideration. Please see below.

- A planning statement from the agent.
- A letter dated 23rd October 2019 from the enforcement section within the Newry, Mourne and Down Planning Department regarding the enforcement case for '*Alleged unauthorised clearing of land and trees, planning permission has expired*' at adjacent to 7 Annacloy Road North. The letter advises that this matter is immune from enforcement in accordance with Time Limits set out in Section 132 of the Planning Act (Northern Ireland) 2011 in that, the access and garage founds are immune. The removal of screening is not a breach. It is not expedient to enforce against infilling and so accordingly the Council does not intend to peruse this matter any further.
- A letter from Building Control dated 20th August 2020, confirming that their records show a Building Control Inspection of Commencement/Foundation was carried out on the 22nd November 2010 and deemed satisfactory.
- Google Street View imagery of the sites frontage on to the Annacloy Road dated October 2008 and March 2011.

Within the Planning Statement the agent outlined the following points:

- Point 1: *The submitted letter from Building Control validated commencement of development within the required time frame.* While the Planning Department do not dispute works commenced prior to the expiry of the approval, aerials of the application demonstrate clearing of the site and foundations in place in 2012, however the foundations evident are not considered to be in laid in accordance with the approved plans as noted in the case officers report. The foundations in place reflect a square shape and are positioned approx. 20 metres east of the south eastern corner of the outbuilding to the rear of No. 7 Annacloy Road North. Upon checking the siting and layout of the dwelling approved, the foundations do not reflect the approved siting or layout of the dwelling.
- Points 2, 3 and 4: *Evidence from Google street view and aerial photography clearly shows sight lines and visibility spays were operational and in place prior to works commencing within the site in November 2010.* As noted in the case officer report, in a consultation response from DFI Roads on 22nd March 2020 on this current application, DFI Roads stated no objections to proposal subject to two conditions. Further confirmation was sought from DFI Roads on this and upon inspection of the site in the 26th August 2020 it was confirmed by DFI Roads that neither the “Entrance nor Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/20”. The agent has stated this was due to growth and believes the Google street view imagery of the sites frontage in October 2008 and March 2011 demonstrates the approved access was in place. Images below demonstrate the new access approved under R/2009/0622/F and the aerial imagery of the site, dated 2012. The access approved was to be positioned approx. 30 metres SE of the existing access serving the adjoining property, No. 7, with the new access lane turning towards the front curtilage of No.7 then running along the shared boundary with the application site. This is not considered to be the access demonstrated on the 2008 Google Street View image nor on any aerials of the application site ranging in date from 2009 – 2019.



The pre-commencement conditions attached to the previous approval required all the works associated with the access including the visibility splays to be implemented prior to commencement.

The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

Therefore, this must be done in full compliance with the approved plans and then the development must be commenced to ensure the permission is correctly implemented. In the absence of the access being completed in full compliance with approved plans the pre-commencement conditions cannot be considered as satisfied and therefore the previous permission has not been enacted.

In the absence of any verifiable evidence that the pre-commencement conditions have been complied with and that development occurred in accordance with approved plans then the Planning Department cannot consider this application on the back of an expired permission. There is no provision in rural policy now to allow for a dwelling on this site.

<p>Case Officer: Laura O'Hare</p> <p>Date: 23.02.2021</p>
<p>Appointed Officer : Annette McAlarney</p> <p>Date: 23 February 2021</p>



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Application Reference: LA07/2020/0964/F

Date Received: 24.07.2020

Proposal: Replacement dwelling

Location: 3 Cedar Heights Bryansford



Site Characteristics & Area Characteristics:

The site is located within Cedar Heights Bryansford. It is comprised of a detached split-level dwelling set within a large mature plot. The site is defined by mature vegetation on all sides.



The site is located within the settlement limit of Bryansford, in a residential area comprised of low density housing – typically large detached dwellings on mature plots.

Site History:

R/2012/0128/F - 3 Cedar Heights, Bryansford, Newcastle - Front extension and new porch - PERMISSION GRANTED - 25.07.2012

R/1977/0753 - 3 CEDAR HEIGHTS, BRYANSFORD - ALTERATION TO DWELLING - PERMISSION GRANTED

R/1974/0134 - SITE 3 CEDAR HEIGHTS, BRYANSFORD. - DETACHED BUNGALOW WITH GARAGE - PERMISSION GRANTED

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, 3 and 7 in addition, to the history and any other material consideration.

The application was advertised in the local press on 11.08.2020

The relevant neighbours were notified of the proposal initially on 02.09.2020 and again on 08.02.2021 and 30.04.2021 with amended plans.

Consultations:

In assessment of the proposal consultations was carried out with Transport NI and Northern Ireland Water (NIW). No objections have been presented.

Objections & Representations

Following consideration of the amended drawings uploaded to the portal on 29.04.2021 the following comments have been received.

Owner / Occupier 2 Cedar Heights objects to the proposal on the grounds of loss of privacy from the proposed first floor windows.

Owner / Occupier 4 Cedar Heights while having no objections in principle to the replacement of the dwelling are concerned regarding the gable window to bedroom No 4 and question its need given that a window serves the room on the front elevation.

Consideration and Assessment:

The proposal seeks full planning for the erection of a replacement dwelling. The proposed dwelling will be a two-storey dwelling, with a maximum ridge height of 7.97m above finished floor level. The dwelling will have frontage of 13.2m and will extend back into the site by 22.5m at its deepest point. The dwelling will be finished with natural dark slates / slimline

tile, smooth rendered walls painted in a neutral colour, composite external doors, timber / aluminium framed casement windows and aluminium round and half round rainwater goods.



The Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Ards and Down Area Plan operates as a LDP. The site is located within the settlement development limit for Bryansford but is not zoned for any particular use and there are no specific policies relevant to the proposed development. It also lies within the Mourne Area of Outstanding Natural Beauty (AONB).

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy document and amongst these are PPS 7: Quality Residential Environments, PPS 12 Housing in Settlements and the 2nd Addendum to PPS 7: Safeguarding the character of Established Residential Area. It also retains Policy DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI). Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN 8) also provide relevant planning guidance.

Policy QD1 of PPS 7 provides the policy context within the settlement limit and states that all proposals for residential development will be expected to conform with criteria (a) – (i).

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

It is considered that the proposal does not respect the surrounding context and is inappropriate to the character of the site in terms of its appearance. Cedar Heights is a residential development with quite a distinct style of house types set in mature plots.

The dwellings within the immediate context of the site are typically 1970s style dwellings. The site is positioned within a series of 4 dwellings which steadily step down in height from No 2

to No 5 Cedar Heights as shown in the street view image below. The dwelling is particularly visible from the main B180 Hilltown Road given its positioning at the top of Cedar Heights.



It is noted from the image above, that the existing dwellings display a linear frontage which, despite their split-level nature, makes the dwellings appear predominantly single storey from the public view on the street.

The existing dwellings are typically wide gabled, with wide angled roofs and with chimneys expressed on the roof slope or externally.

It is considered that the proposal would disrupt this linear form with its vertical emphasis and detract from the character of the area with its elevated ridge height, higher pitched roof with chimneys expressed centrally on the roof. The proposed house design would sit uncomfortably within the adjacent houses. This would be particularly evident internally from within the development of Cedar Heights and also from the Main Hilltown Road given its prominent positioning within the development.



The Planning Authority acknowledge that an extension was previously granted to the dwelling under R/2012/0128/F which permitted the creation of a dormer window and ground floor window as shown below. However, the ridge height of the dwelling remained as existing, as

did the dwellings linear form. There was no detriment to the overall character as there would be with this proposal.



The Planning Authority consider that the increased ridge height, vertical emphasis and departure from the gradual step-down nature from the dwellings either side, as shown on Drawing A1-11 Rev A, does not respect the existing pattern of development and is not therefore in keeping with the character of the area. For these reasons the proposal is contrary to Criteria A of Policy QD1.

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

There are no features of archaeological and built heritage. In terms of the landscape features, the site is defined by mature hedging which is to remain.

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 with its integration with the surrounding area;

While the proposed replacement dwelling will occupy a larger footprint than the existing, there will remain within the site sufficient private amenity space to the rear.

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

There is no requirement for the applicant to make such provisions in this particular case.

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 Bryansford and is therefore within walking distance of all the facilities within the settlement and convenient to public transport etc.

F. Adequate and appropriate provision for parking

The proposed development will contain in excess of 2 in-curtilage car parking spaces and therefore adequate and appropriate provision has been made for the parking and turning of vehicles attracted to the site.

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

The Planning Authority do not object to the design in terms of the materials and detailing, however, its form as indicated above is considered to be out of character with the surrounding development.

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 proposed plans indicate that the replacement dwelling will have a reduced frontage in terms of its length. Consequently, the new dwelling will be separated from the boundaries it shares with No 2 and 4 Cedar Heights by 2.7m and 2.3m respectively (an increased separation of 1.3m from No 2 and 1.5m from No 4).

The new dwelling will be increased in height by approx. 0.7m when measured from the finished ground level at bedroom 2.

The increase in height and creation of a two-storey dwelling has introduced some gable windows at first floor level which were not currently present and are of some concern to the immediate neighbours of the site. In consideration of these, it is noted that the two gable windows serving Bedroom 2 will face into the existing blank gable of No 2 Cedar Heights and will not therefore pose any detrimental impact on their privacy.

The gable facing No 4 Cedar Heights sees the introduction of two new windows, one serving an en-suite which will be fitted with obscure glazing and one serving Bedroom 4. Given the size of this proposed bedroom and its intended use as part office, an additional window at this end of the room, is considered reasonable and while the concerns of the residents of No 4 Cedar Heights are noted, this window will face into the blank gable of No 4 and will not therefore detrimentally impact upon their privacy.

The proposal will, if approved, represent a significant change for neighbours, particularly within their rear garden areas, as the increased height and length of the dwelling means that it will project further into its plot than previous and this will be visible to neighbours from their amenity areas. However, no windows will overlook that immediate area of amenity to rear of Nos 2 and 4 and the neighbours will not be affected by loss of light or overshadowing given the separation distances.

On the basis of the above assessment, the Planning Authority consider that the proposal is contrary to Criteria A, in that the form of the proposed dwelling, does not respect the surrounding context in Cedar Heights given its design and would therefore be contrary to the character of the area.

PPS 2

Given the site's 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 while the overall design of the dwelling is not offensive to the AONB in general, it is nevertheless out of character with the existing development of cedar heights in particular those dwellings immediately adjacent and for this reason does not comply satisfactorily with the requirements of Policy NH 6 (c) .

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 consultees and objectors, it is determined that the proposal is unacceptable in planning terms and refusal is recommended.

Drawings

The Drawings considered as part of this assessment are as follows

A4-01, A4-03 REV B, A1-04- REV D, A1-05 REV D, A1-10 REV A, A1-11- REV A

Recommendation: REFUSAL

REASONS

The proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7: Quality Residential Environment and Policy NH 6 of Planning Policy Statement 2: Natural Heritage in that the replacement dwelling does not respect the surrounding context, existing pattern of development and character of area.

Case Officer:	Claire Cooney	Date 27.05.2021
Authorised Officer:	A.McAlarney	Date 28 May 2021

Application Reference: LA07/2020/0964/F

Proposal: Replacement Dwelling
Location: 3 Cedar Heights, Bryansford

The above application has been scheduled for refusal for the following reasons;

1. The proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7: Quality Residential Environment and Policy NH 6 of Planning Policy Statement 2: Natural Heritage in that the replacement dwelling does not respect the surrounding context, existing pattern of development and character of area.

Planning Policy PPS7 QD1 states that planning permission will only be permitted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. It is our opinion that the proposal conforms with all of the criteria listed in Policy QD1. The elevations below show the existing front elevation of the property, a front extension to the property that received planning approval in 2012, and the current proposal for a replacement.



The proposal provides a much more balanced front elevation than either the existing or previous planning approval.

Several amendments were submitted to planning during the application process, to address the issues raised that were of concern, namely the removal of side windows which could potentially impact on neighbouring properties, and amendments to the front elevation to try and give the front elevation more horizontal emphasis.

At no stage were any other aspects of the design questioned, including the footprint of the property or the slight increase in ridge height. It is our opinion that, if the current proposal's front elevation is compared to that of the approved 2012 application, the proportions of the building are very similar and the overall impact of the current proposal would be negligible in comparison.

The reason why the building has been made slightly narrower than the original is primarily to facilitate the construction process, leaving enough room to allow plant to access the rear and to allow scaffolding to be erected around the construction, and to allow vehicular access to the rear of the property when construction is completed. The other difference between the two elevations is the main front door is now no longer at first floor level. The reason for this is to firstly comply with current building control regulations for a new build, where level access should always be provided to the principle living floor, and from a practical perspective, accessing at the first floor in the original dwelling has never worked for the applicants, and they have been keen to include ground floor access in the new design.

With regard to PPS2: Natural Heritage and the proposal not respecting the surrounding context, existing pattern of development and character of area, we would again point out the similarities between the current proposal and what was previously approved by planning under application R/2012/0128/F. The immediate area has a wide mix of house types, photographs of which have been included with the original submission in the Design and Access Statement. Therefore, the surrounding context is highly mixed, the footprint of the proposal is similar to that of other dwellings in the area, the plot size is exactly as per the existing, and the character of the area is relatively mixed.

I would also like to confirm that the reasons for objection from neighbouring properties related entirely to loss of privacy from side windows. All windows which were considered to overlook the private residential amenity of neighbouring properties have been removed.

We would appreciate if this application could be determined by Committee rather than officers because we feel that we have gone above and beyond with revisions in attempts to appease planning concerns. 4no revisions have been submitted to planning for consideration which has taken the front elevational design far from that which was originally proposed. The reason for refusal seems to boil down to the fact that the width of the proposed frontage is not matching the width of the original dwelling as it has been reduced slightly on each side for the reasons stated above.

We would also like to mention that, while the case officers report refers several times to the increase in ridge height from the existing dwelling, this was never tabled as a required amendment, and therefore none of the submitted revisions reflect a reduction in height. The overall ridge height has increased by 700mm, but the width has reduced, so the actual area of the front elevation has actually reduced. It should also be noted that the proposed ridge height still remains 100mm lower than the neighbouring property on the upper side, and so the gradual step-down nature from the dwellings either side is actually maintained.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1881/F

Date Received: 16.12.2020

Proposal: Side extension and 1st floor extension to dwelling.

Location: 11 Mountnorris, Newcastle.



Site Characteristics & Area Characteristics:

The site in question is a single storey dwelling located on a corner site within the development known as Mountnorris. The dwelling is finished in a painted render with brick detail and white PVC windows. The dwelling sits on an elevated corner site and both its gable and front elevation face onto the road. The dwelling has an area of private amenity to the south west of the site and this section of ground rises up steeply to the boundary.

The area is a residential area located within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015, the site is also located within the Mourne Area of Outstanding Natural Beauty. The site is also within the sphere of influence of an Archaeological Site and Monument.

The development the dwelling is located in has a mixture of dwellings located within it. The levels in the estate rises as one travels through the estate. The dwelling this application relates to sits at right angles to the neighbouring plot no 9 Mountnorris. There are a mix of designs within the estate noted however this part of the estate has maintained the original form of the design of development.



Site History:

R/1978/0338/0338 – North of Mountnorris, Newcastle, residential development, granted.

R/1991/0236 – Site no 11 Mountnorris, Newcastle, Dwelling, application withdrawn.

R/1992/0608 – Site 11 Mountnorris, change of house type, granted.

R/2003/1026/F – Site 19 Mountnorris, Newcastle, change of house type and detached garage, granted, 07-11-2003.

R/2004/1405/F – Site 19, Mountnorris, retention of existing garage as approved R/1999/0464 – granted.

Planning Policies & Material Considerations:

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 6 Planning, Archaeology and Built Heritage.
- Addendum to PPS 7 Residential Extensions and Alterations.

Consultations:

Consultation was carried out with Historic Environment division as the site was noted to be located within the sphere of influence of an archaeological site and monument, HED has responded with no objections to the proposal.



Application site at 11 Mountnorris.

Objections & Representations

In line with statutory requirements the application was advertised in the local press, Neighbour notification issued on 11.01.2021 and upon the receipt of amended drawings re neighbour notification issued on 22.03.2021 which expired on 05.05.2021.

7 representations received from 4 separate addresses, 6 of these being objections and made on the following grounds:

- Issues around the loss of privacy onto adjacent dwellings both internal rooms and exterior amenity areas.
- Issues around loss of light and overlooking and also dominance.
- The overall size, scale and appearance of the extension not being in keeping with surrounding properties.
- Impacts on parking provision at the site.
- Impacts on road safety as the dwelling is located on a sharp bend.

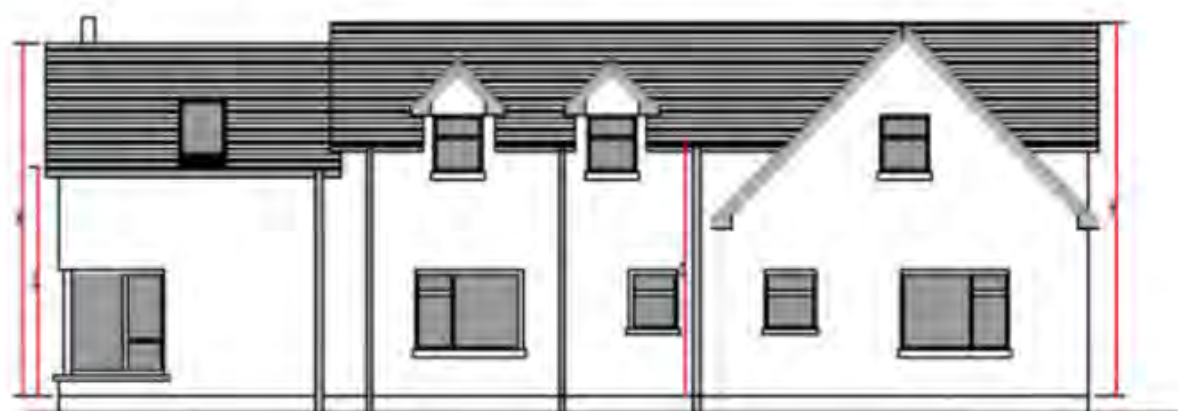
The objections are held on the file and can be viewed on public access. It is noted that 3 objections relate to the initial submission and three to the revised submission with no change of opinion between the two.

Consideration and Assessment:

As this application is for a domestic extension to a residential dwelling it is assessed under Addendum to PPS 7 Residential Extensions and Alterations EXT 1 which states that planning permission will be granted for a proposal to extend or alter a residential property where all of the criteria is met. It is noted that the original submission was found to be unacceptable and the agent submitted amended drawings and it is the amended and final submission that is considered throughout this report.



Existing front elevation



Proposed front elevation

- 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 proposal includes a 1st floor extension to the existing building and also a 1 ½ storey side extension as demonstrated in the image of the proposed front elevation. The existing dwelling has a height of 4.9m and is 12.5m in length with a depth of 7.9m dropping in part to 6.6m in depth. The proposal seeks to extend the original footprint of the dwelling upwards to achieve a ridge height of 6.6m from ground (6.2m in height for the extended area) and the overall length will extend to 17.3m long.

The scale, massing and design of the proposed extensions are in no way sympathetic with the existing dwelling, the existing dwelling is unrecognisable. The proposal introduces a 1st floor element and also walled dormers that are not part of the original design.

the existing dwelling occupies a corner plot within the existing development and which is highly visible within the estate. Policy requires proposed extensions and alterations to respect the scale, massing and design of the existing dwelling however the characteristics of existing dwelling are lost within the design of this extension that more than doubles the existing floorspace of the dwelling. The existing bungalow would be altered to result in a 1 ½ storey dwelling and the existing single storey front gable return is also increased in height. The existing dwelling sits at a height to no 9 Mountnorris and on a conspicuous corner plot within the estate, the existing dwelling is of a suitable height, design and style for the restricted corner plot within the development at present and the proposed works are not sympathetic with the built form and appearance of the existing dwelling.

Not only will the proposed works detract from the existing dwelling they will also have a negative impact on the appearance and character of the surrounding area.

As stated, the plot is a corner plot and is highly visible, the works are considered to be over development of the site and the increase in height will have a dominating impact on the character and appearance of the area. While it is noted that there are some dwellings towards the front of the development that are storey and a half dwellings the left hand side of Mountnorris is dominated with bungalows and there is a clear pattern of development present in the surrounding area and it is also noted that the plot of 11 Mountnorris is not a large plot located at the end of a row of dwellings on a restricted exposed plot.

The increase in height of the development would alter the existing roof line that is currently quite uniform and would interrupt the existing visual rhythm of the roofline when looking across the estate and wider landscape from the rear of the estate.

The alteration of the site layout would also result in a loss in the green area on the corner of the site, and instead the public view point would be at times looking at parked cars rather than the open plan green lawn that exists at present.

The proposed works are not considered sympathetic with the scale, massing and design of the existing dwelling and the resultant dwelling would detract from the appearance and character of the surrounding area.

b) the proposal does not unduly affect the privacy or amenity of neighbouring residents.

There have been objections from three neighbouring dwellings in relation to the works and all objections are taken into consideration, in addition to neighbours objecting to the impacts of the development on the character of the area concerns were raised in terms of overlooking and loss of light as a result of the proposal. No 9 Mountnorris sits adjacent to the application site and at right angles to the dwelling and on lower ground to the dwelling the works are proposed to. The two sites are currently separated by a close board timber fence however when standing at the boundary of no 11 one can clearly look into all of the rear amenity area of no 9. The 1st floor extension includes a series of Velux windows to the rear of the dwelling at the proposed 1st floor (7 in total). The proposed sections through the building demonstrate that the floor to bottom of the velux window for 6 of the windows is 1.7m in height therefore it would not be considered that there would be the ability for any additional overlooking onto no 9. The 7th velux window sits lower but serves a landing which is not a habitable room. While it is not considered there will be actual overlooking onto no 9 there is the creation of the perception of being overlooked and this is as important a consideration as it leaves the neighbouring residents with a lessened sense of privacy in their rear amenity area, an area in this case that is already susceptible to overlooking and lack of privacy from no 11 Mountnorris.



The agent submitted an overshadowing analysis to support the application and this demonstrated that there would be a marginal increase to the loss of light onto no 9 Mountnorris but it would not be considered to result in demonstrable harm. There would also be loss of light onto the single gable window of no 9 Mountnorris however this window appears as opaque glazed and it is not considered that there will be any demonstrable loss of light onto this window although some loss of light is expected as a result of the works onto both the window to the side gable of the dwelling and part of the side amenity and the rear amenity. Given the travel of the sun path it is not considered that the loss of light will be a demonstrable loss of light.

While it is not considered that there will be any demonstrable loss of light as a result of the works it is considered that the proposed works will have a dominating and overbearing impact on the rear amenity of no 9 Mountnorris. No 9 already sits on lower ground and can be overlooked from the external area of no 11. The works and the considerable increase in height even taking into consideration the sloping roof pitch the proposal will have a dominating impact on the rear amenity and rear rooms of the dwelling of no 9, there will be the feeling of being overlooked and the structure will have a dominating and overbearing impact on no 9.

It is considered that the proposal will unduly affect the amenity of adjacent residential dwellings and the proposal has not met the requirements of this element of policy.

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 works will not result in the unacceptable loss of or damage to trees or landscape features, there are no notable features on the site. Historic Environment Division was consulted as the site is noted to be within the sphere of influence of an archaeological site and monument and HED has responded stating that they are content that the proposal satisfies the requirements of PPS 6 and will not have a negative impact.

Some planting will have to be removed at the entrance however this planting is not a critical feature,

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The guidance set out in Annex A will be taken into account when assessing proposals against the above criteria.

The private external amenity area will not be negatively impacted as a result of the works, there will be no loss to private amenity, some amenity to the front of the site would be lost if the extension were allowed and the green area will become a parking area to replace the spaces lost from the extension of foot print of the dwelling at the side gable of the dwelling.

The agent has indicated on the PHD from that there will be no alteration to the access onto the public road however the internal layout of the site will alter to ensure there is still the provision of 2 car parking spaces and the planting at the entrance will need removed to ensure the existing access can still be utilised given the change of the overall site layout.

It is considered that space does remain within the curtilage of the dwelling for domestic purposes including the parking and manoeuvring of cars and for recreational and domestic purposes associated with the dwelling.

Recommendation:

Refusal.

Reasons for Refusal:

- The proposal is contrary to SPPS and the Addendum to PPS 7 Residential Extensions and Alterations policy EXT 1 (A) in that the scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.
- The proposal is contrary to SPPS and the Addendum to PPS 7 Residential Extensions and Alterations policy EXT 1 (B) in that the proposal, if permitted, would affect the residential amenity of the neighbouring property at no 9 Mountnorris by way of creating an overbearing and dominant impact.

Case Officer: Fionnuala Murray

Appointed Officer: Annette McAlarney

Date: 14.05.2021

Application Reference: LA07/2020/1881/F

Proposal: Side and first floor extension
Location: 11 Mountnorris, Newcastle

The above application has been scheduled for refusal for the following reasons;

- The proposal is contrary to SPPS and the Addendum to PPS 7 Residential Extensions and Alterations policy EXT 1 (A) in that the scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.
- The proposal is contrary to SPPS and the Addendum to PPS 7 Residential Extensions and Alterations policy EXT 1 (B) in that the proposal, if permitted, would affect the residential amenity of the neighbouring property at no 9 Mountnorris by way of creating an overbearing and dominant impact.

Planning policy PPS7 EXT1A states that "Planning permission will be granted for a proposal to extend or alter a residential property where 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".

Mountnorris is a street with a mix of single storey, 1 ½ storey and 2 storey dwellings. The house at either side as you enter Mountnorris is two storey, at you rise up the hill, there is a mix of single storey, 1 ½ storey with dormer and gable windows, and full 2 storey right at the top of the street (no 20. Mountnorris, which is directly across the street from the application site). Given this, we rebut the first reason for refusal because, while the majority of dwellings on this street are single storey, there is a mix of 1 ½ and 2 storey houses in very close proximity. Additionally, the new development along the Middle Tollymore Road which backs onto this estate and is readily visible behind no's 12-18 Mountnorris, all of these dwellings are 2 storey. We argue that the proposal is sympathetic to the build form in the immediate area, and is not out of character in the area. It is also proposed to construct the extension in materials to match the existing dwelling.



Application site with full 2 storey dwelling much higher above (no.20).



1 Mountnorris– Extremely high ridge line



2 Mountnorris – Extremely high ridge line



4 Mountnorris

Planning policy PPS7 EXT1B states that “Planning permission will be granted for a proposal to extend or alter a residential property where the proposal does not unduly affect the privacy or amenity of the neighbouring amenity”.

With regard to the second reason for refusal, the vast majority of the first floor extension is to the front of the dwelling, where the eaves height increases from single storey to 1 ½ storey. The rear eaves which is nearest to the neighbouring boundary has only increased in height by approximately 400mm in an effort to minimise any perceived impact on the neighbouring property. While the ridge height has increased more, the increased height is views along the plane of the roof so any negative impact would be minimal. The images below help to demonstrate this. Additionally, all proposed rear first floor windows are velux rooflights, installed at a minimum height of 1.7m above FFL. This will eliminate any overlooking towards the neighbouring property and ensure their privacy is protected. Overall, we are confident that the proposed extension will not have any significant overbearing or dominant effect on the neighbouring property at 9 Mountnorris.



Demonstrating minimal height increase to rear of proposal, and how this will affect neighbouring property.

In relation to SPPS and the Addendum to PPS 7 Residential Extensions and Alterations policy, we feel that the reason for refusal is primarily down to the individual interpretation of the policy. For the above reasons, we feel that planning have taken a very one-sided view on the proposal. We feel that the Councillors might have a more open minded approach. The proposed extension has minimised the rear element of the extension with a view to having no significant impact on the neighbouring property to the rear.

As per most planning applications, interpretation of policy is very much down to the individual, so we would appreciate if the Councillors would offer a broader spectrum of viewpoints on this proposal.



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**Newry, Mourne
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District Council

Application Reference: LA07/2021/0712/O

Date Received: 19th April 2021

Proposal: Infill Site for 2 Dwellings and Garages

Location: Immediately South East of 137 Tullybrannigan Road Newcastle



Site Characteristics & Area Characteristics:

The site is located along Tullybrannigan Road and is comprised of a green field site approximately 0.94 hectares in size and currently used for grazing sheep. The site is defined at the roadside and along the boundary it shares with No 135 by a stone wall.

The site is grassed and slopes very gently downwards from the roadside to the rear of the site in north-easterly direction.

It is positioned between Nos 135 and 137 Tullybrannigan Road.

The site is located within the rural area, outside any settlement and within the Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015.

Site History:

No previous history on the site

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, and 21 (CTY 8, 13), in addition, to the history and any other material consideration.

The application was advertised in the local press on 05.05.2021

The relevant neighbours were notified of the proposal on 06.05.2021

Consultations:

In assessment of the proposal it is considered that a consultation with DfI Roads and NIW were necessary, to which no objections have been received.

Objections & Representations

An objection has been received from the owner / occupier of 137 Tullybrannigan Road. The objections raised are as follows

- The site is too large for an infill
- Loss of privacy
- Impact of the proposal on the character of the AONB given the level of development currently occurring within the area
- Traffic
- Noise pollution
- Road safety

Consideration and Assessment:

The proposal seeks outline planning permission for the erection of 2 infill dwellings and garages.

Section 45(1) of the Planning Act requires that regard must be had to the local development plan (LDP), so far as material to the application and 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 functions as the LDP for the area where the site is located. The site is within the countryside, outside any settlement development limit. There are no specific policies in the plan which relate to the appeal development.

SPPS

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.

PPS21

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). 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 the proposal complies with CTY 8 of PPS 21.

Policy CTY 8

CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.

In assessment of this it is noted that the site shares a common frontage with Nos 135, 137 and 139 Tullybrannigan Road.



The plot frontages of No 135, 137 and 139 are 16m, 30m and 46m respectively, with the site frontage measuring 60m, the parcel of intervening land between the site and No 135 has a frontage of 34m. The average plot frontage is therefore noted to be approximately 37m.

The separation distance between No 135 and No 137 is noted to be 96m. The applicants indicative site layout plan, shows the proposed 2 dwellings would be accommodated on the site which has a 60m frontage. The proposed arrangement would allow for each dwelling to have an approx. 30m frontage.

As the building to building gap between Nos 135 and 137 measures 96m, it is clear that the gap could accommodate 3 dwellings of this size. The proposal is therefore contrary to policy.



It may be important to note at this stage, that unauthorised works have occurred at No 133a Tullybrannigan, whereby a new access and extended curtilage has been created onto Tullybrannigan Road to the south east of the site. Given the unauthorised status of these works they can not be factored into the consideration of this application.

On the basis of the above assessment, it is considered that the site does not comprise a small gap within a substantial and continuously built up frontage. The proposal does not, therefore, comply with the requirements Policies CTY 1 and 8 of PPS 21 and will be recommended for refusal on this basis.

In consideration of the acceptability of the site in terms of integration and rural character Policies CTY 13 and 14 of PPS 21 are applicable.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

In assessment of these, it is considered that the site is not prominent, given its position below road level. When travelling along Tullybrannigan Road, the site benefits from the mature vegetation at No 135 and 133 as shown below, and it is considered that suitably designed dwellings could integrate successfully within the landscape.





Given the outline nature of the proposal, the design of the dwelling is not currently before the Planning Authority, however, dwellings designed so as to be in keeping with the rural character of the area and indeed the AONB would be expected.

Overall, therefore the proposal is considered to be compliant with the requirements of CTY 13.

CTY14

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

A new building will be 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; or
- (E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

In assessment of the above, it is considered that approval of 2 infills on this site would create a ribbon of development, when read with the neighbouring dwellings at Nos 137 and 139 Tullybrannigan Road. The proposal therefore fails to comply with Criteria D of CTY 14.

PPS 3 – Access, Movement and Parking

The application seeks to access onto Tullybrannigan Road by creating a new access. 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 that they have no objections to the proposal in principle, subject to submission of a scale plan showing the access etc in accordance with the RS1 form in any forthcoming Reserved Matters application.

On this basis, it is considered that the proposal is compliant with the requirements of PPS 3.

Assessment of Objections.

As summarised above, the owners of No 137 Tullybrannigan Road are concerned that the site is too large for infill dwellings and the Planning Authority would agree with this as discussed above. In terms of the proposals impact on the AONB, it is agreed that an accumulation of dwellings which do not meet the exceptions listed in Policy CTY 1 of PPS 21 would be detrimental to the AONB and the Planning Authority acknowledge the development pressures in this area in recent times.

In terms of road safety and as considered above DfI Roads have been consulted regarding the road safety aspect of the proposed site entrance and deemed that proposed to be safe subject to compliance with that detailed on the RS1 form.

Undoubtedly in the event that the proposal is approved there would be increased noise during construction, however, this is likely to be temporary.

With regard to concerns of loss of privacy, two new dwellings in the proposed site would represent a significant change for the owners of No 137, particularly in light of the lack of vegetation along the entirety of the boundary it shares with the site and the fact that they have a frequently used sunroom which faces directly into the site. Should this application be approved however, it would be possible to control any potential overlooking or loss of privacy at Reserved Matters stage when the detailed design is submitted.

Conclusion

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

Drawings

The Drawings considered as part of this assessment are as follows

2538 -L

Proposed Site Plan dated 19 April 2021

Recommendation: REFUSAL

REASON

The proposal is contrary to the SPPS, Policies CTY 1, CTY 8 and CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the site does not represent a small gap within a substantial and continuous built up frontage and will create a ribbon of development along the Tullybrannigan Road.

Case Officer: C Cooney Date 7th June 2021

Authorised Officer: A.McAlarney Date 07 June 2021

LA07/2021/0712/O Infill Site for 2 Dwellings and Garages Immediately South East of 137 Tullybrannigan Road Newcastle

Both Michael and Heather McClelland wish to apply for speaking rights at the planning meeting on 22nd. September 2021 re planning application LA07/2021/0712/o This request is under a delegation of objection.

We wish to speak about the following:

- > Infill sites crierai
- > Ribbon development
- > A.O.N.B.
- > Road capacity and traffic generation.
- > Human Rights

Michael McClelland
Heather McClelland

Planning Committee 'Call in' Request Form

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Delegated Application List w/c: 14 JUNE 2021	Planning Application Number : LA07/2021/0712/O	Requested by:
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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 – PROPOSED INFILL SITE FOR 2 DWELLINGS AND GARAGES IMMEDIATELY SOUTH EAST OF 137 TULLYBRANNIGAN ROAD, NEWCASTLE

Proposed decision (including reasons if the decision is refusal) – REFUSAL FOR THE FOLLOWING REASON.

1. The proposal is contrary to the SPPS, Policies CTY1, CTY8 and CTY14 of PPS21, Sustainable Development in the Countryside in that the site does not represent a small gap within a substantial and continuous built up frontage and create a ribbon of development along the Tullybrannigan Road.

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

1. Reason 1. Although the application has been recommended for refusal referencing a number of policies the fundamental reason for refusal is that the site is not deemed an infill opportunity and so would create ribbon development.

The Case Officers report is flawed in Planning terms for the following reasons:

1. The aerial photograph is not up to date and does not show the new dwelling at 133a Tullybrannigan Road, or the new shed which has an access directly onto the Tullybrannigan road to the immediate south east of the application site.

2. The separation distances as reflected in the Case Officers report omit the new shed with direct access onto Tullybrannigan Road and as such are incorrect.

3. There is reference in the Case Officers report that the access is unauthorised but no reference to the actual shed on site. When the application was lodged all existing factors on site were taken into consideration especially the shed and access. It is not for the applicant to ascertain as to whether development surrounding the site is authorised and within Policy CTY8 there is reference only to existing buildings and not to their Planning status. Should Planning wish to pursue enforcement of any alleged unauthorised development it is up to them but it should not be relevant to this application.

Planning Committee 'Call in' Request Form

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

We wish the application to be considered at Committee as in our opinion the application has been incorrectly assessed under CTY8 in that an existing building adjacent to the site has not been taken into consideration and so the separation distances are flawed. The aerial photograph in the Case Officers report is out of date and does not give a true reflection of the existing pattern of development and there are no photographs of the alleged unauthorised access.

The shed has direct access onto the Tullybrannigan Road immediately adjacent to the application site. This access and possibly the shed may be unauthorised but when making the application all existing factors on the ground were considered. Should Planning deem enforcement action is appropriate this should be taken but until that avenue has been explored the building should be considered as part of the assessment of the application.

In summary, the Committee must be given the opportunity to discuss the Case Officers Report on the site and to request accurate photographs and aerial views and if necessary visit site to get a true reflection of the pattern of development in the area.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1854/O

Date Received: 14.12.2020

Proposal: Infill dwelling.

Location: 40m North West of 169 Bryansford Road, Kilcoo.



Site Characteristics & Area Characteristics:

The site in question is part of an agricultural field, the land of the site falls away from the point of access at the lane and is located on low lands set much lower than the road and accessed via an existing concrete lane accessed off the Bryansford Road. The site has some planting and screening to the boundaries with boundaries generally defined with stone ditches and post and wire fencing also. The adjacent building, east of the site, is heavily overgrown and the eastern boundary of this site benefits from planting on the boundary of the building adjacent including trees and hedging, none of which is maintained at present.

The site in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site in question is within the Mourne Area of Outstanding Natural Beauty. The site is located within a rural area in a valley type location where there are

a mix of both residential and agricultural buildings and the site is adjacent to Millar's Close Cottages, holiday lets.

Site History:

LA07/2018/1700/F – Lands directly west of 167 Bryansford Road, Kilcoo – reception, amenity block and 4 additional holiday units – granted – 28-08-2019.

LA07/2010/0463/F – proposed dwelling and garage- 140m W of 167 Bryansford Road, Bryansford, Newcastle – granted – 19-05-2011.

R/2009/0662 – 167 Bryansford Road, Bryansford, Newcastle – 2 no additional 1 bedroom chalets to holiday home development – granted – 30-09-2010.

R/1997/0812 – 167 Bryansford Road, Kilcoo – change of use and conversion of farm house and outbuildings together with new build to self catering cluster of 4 self catering units – granted – 23-02-1998.

Other older histories associated with 167 Bryansford Road are noted on the system but not relevant to this application.





Planning Policies & Material Considerations:

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

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

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

Consultations:

NI Water was consulted in relation to the application and has responded with no objections to the application.

DFI Roads were also consulted in relation to the application and have responded with no objections in principle however note that in curtilage turning and parking is to be provided.

Objections & Representations

In line with statutory requirements the application was advertised in the local press being the Newry Democrat and Down Recorder on 12.01.2021 and 13.01.2021 respectively, this expired on 26.01.2021 and 27.01.2021. Neighbour notification also issued in relation to the proposal on 05.01.2021 which expired on 19.01.2021.

A letter of objection was received from Emmet J Kelly and Co Solicitors on behalf of Mr Patrick Morgan who objected on the grounds that the application submitted includes an access onto the Bryansford Road over a laneway that is owned by Mr Morgan and the owner of the application has neither an easement for a right of way over the laneway nor has he acquired a right of way over the laneway. The objector also claims the land the application relates to has never been accessed via the Bryansford Road and should be accessed via the Trassey Road.

In response to this the agent was asked to address the P2 challenge and they have done by amending Q27 of the P1 application form and notice was served on the land owner. An e-mail was issued to the solicitor advising of such.

Consideration and Assessment:

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. In respect of infill/ribbon development the policy is broadly consistent with those set out in PPS21.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. One such instance is a replacement opportunity in accordance with Policy CTY 8 of PPS 21 Ribbon Development

CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided that it respects the size, scale, siting and plot size. For the purposes of this policy definition of a substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

it appears that for the purposes of this application the buildings used to define the substantial and built up frontage are the buildings known as 169 Bryansford Road, the existing agricultural shed and the dwelling recently constructed dwelling approved under LA07/2010/0463/F that is not yet occupied. The dwelling numbered as 169 on the submitted site location map is an older building that appears derelict, its curtilage does present onto the lane.

The second building utilised is an existing shed that is set back off the lane and connects to the lane via a concrete access. For the purposes of policy accesses and drives do not constitute frontage. The shed has no history of planning approval and is therefore unlawful and cannot be considered as a building for the purposes of CTY8.



The third building used is a dwelling substantially complete but of recent construction and it does have a frontage onto the lane and is accessed via the lane at the corner point. This dwelling and its associated curtilage has a frontage to the lane of approx. 54m.

Given the above it is clear that there is not a line of 3 buildings along a road frontage. The proposal therefore fails CTY8.



The above image shows the relationship of the site to the existing buildings on the lane.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside. CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Planning permission is unacceptable where:

A) It is a prominent feature in the landscape.

A dwelling could be accommodated on these lands without becoming a prominent feature in the landscape. The site is set down from the road in a valley type area that can be seen from both Bryansford Road and also from Trassey Road. A well designed dwelling would not be considered likely to become a prominent feature in the landscape if located at the site in question. The site is not elevated when considered from the main view points and can make use of the back drop and ground to the rear in order to integrate.

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.

The site would require some new boundary treatments however there are boundaries in place at the site at present that a dwelling could make use of, namely the eastern boundary and to a lesser degree the southern boundary. There are considered to be sufficient long established boundaries at the site which are able to provide an adequate level of integration into the landscape.

c) It relies primarily on the use of new landscaping for integration.

The site would benefit from additional planting however the site will not rely on new planting in order to successfully integrate into the surrounding landscape. Any currently undefined boundaries would require a post and wire fenced fence and native planted hedgerow planted on the inside.

d) Ancillary works do not integrate with their surroundings.

It is not considered there will be any issues with ancillary works associated with this development. DFI Roads have indicated they have no objections to the proposal however would require in curtilage parking if a dwelling were approved. There would be no difficulty in providing parking at the site given the size of the proposed site. The lane to access the site is in place and the site can be accessed from it. There is sufficient room within the site for all other ancillary works. It is not envisaged there will be any issues with the provision of ancillary works and no detriment on the surroundings.

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

As this is an outline application full particulars have not been provided however a dwelling designed in accordance with the character of the area and relevant design guides would be expected on the site. A proposed dwelling would have to respect the existing character of the

area and be appropriate to its surroundings in order to successfully integrate into the surrounding landscape.

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

The contours of the site are considered to be suitable to allow a dwelling to be developed on the site and a dwelling could be accommodated without requiring much intervention on the site. The site gradually slopes away from the lane to which it fronts onto.

It will not be necessary to remove any substantial elements of planting in order to accommodate a dwelling nor are there any natural features likely to be impacted upon as a result of the provision of a dwelling at this site.

The proposal is also considered against CTY 14 Rural Character whereby planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A building will be unacceptable where:

a) It is unduly prominent in the landscape.

This aspect of policy has been considered previously in the report under CTY 13 and with suitable condition it is considered that a dwelling at this site will not be an unduly prominent feature in the landscape.

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

While it is not considered that this proposal meets with the requirements of CTY 8 it is not considered that a dwelling on this site would result in a suburban style of build up when viewed with existing and approved dwellings. When read cumulatively it is not considered that the works would result in a suburban style build-up of development but rather a ribbon of development.

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

A suitably designed dwelling at this location will respect the traditional pattern of development in this area. There are many single dwellings with similar plot sizes located within the surrounding area and the dwelling. A dwelling on this site would be considered able to respect the traditional pattern of development of settlement exhibited within the area, the plot size can sufficiently accommodate a dwelling and any associated amenity requirements.

d) It creates or adds to a ribbon of development.

Given that it is considered under CTY 8 that a gap site does not exist at the site and taking into consideration when viewing the site from the main viewpoints this will add to the development along the lane it is considered that this site will lead to a ribboning of development along the lane when read with the existing buildings along the lane and this ribboning will have

a negative impact on the character and appearance of the rural area. Policy considers ribbon development to always be detrimental to the character of an area and it contributes to a localised sense of build-up and fails to respect the traditional pattern of development within the countryside.

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

It is considered that ancillary works can be provided at the site without resulting in a damage to rural character. Sufficient space remains within the curtilage of the dwelling and lands owned to provide a septic tank and water and electric should not cause issue given adjacent sites are serviced. It is not considered that ancillary works will impact negatively in rural character.

Recommendation:

Refusal

Reasons for Refusal

- The proposal is contrary to SPPS and Policy CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development does not represent a gap within a substantial and built up frontage of 3 buildings along the lane frontage and would, if permitted, result in the creation of ribbon development along the lane.
- The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create a ribbon of development along the existing lane and would therefore further erode the rural character of the countryside.

Case Officer: Fionnuala Murray

Appointed Officer: Annette McAlarney

Date: 13.05.2021



Reference	LA07/2020/1854/O
Location	40m north-west of 169 Bryansford Road, Kilcoo
Proposal	Proposed infill dwelling

Response to Refusal Reasons

This application was refused on the basis that the case officer determined there was no substantial and continuously built up frontage and that it was contrary to PPS21 CTY8 Ribbon development.

The departments assessment is that no. 169 does not present a frontage onto the laneway, nor did the commercial shed, located at the right angled bend.

The Department did not take into consideration the building to the east of no.169 as having a frontage to the laneway.

The Planning Authority accepted that the recently constructed dwelling to the north of the site has frontage to the laneway.

This application is not reliant on the commercial shed having frontage to the road, as we consider the substantial and continuously built up frontage is defined by the recently constructed dwelling, gap site and the dwelling and building to the east of no. 169.

The Planning Department consider that no.169 and the building to the east do not have frontage onto the laneway.

However, it is widely accepted that a building has a frontage to a road or laneway, if the plot on which it stands abuts or shares a boundary with the road. This has been highlighted in numerous appeal decision and is generally the method of assessment which the Department take in assessing infill opportunities.

This historical map of the site demonstrates that the plot of no.169 has always extended to, and shared a boundary with, the laneway. When on site, there is a pedestrian opening which opens onto the garden area of no.169 from the laneway. All these factors together, establish that these two buildings share a boundary with the laneway and therefore count towards the assessment of the built up frontage.



PAC decision **2017/A0038** further reinforced that there is no policy requirement that the building must be orientated towards the frontage, only that the plot on which they stand share a boundary with the frontage.

To conclude, As the PAC have recently taken a more flexible approach to assessing gap sites, stating that it is not a mathematical exercise and only that it is broadly reflective of the adjacent plots(**2019/A0064**). The proposed development has a similar plot size, depth and width compared to no.169 and the recently constructed dwelling therefore respecting the development pattern along the laneway in terms of size, scale, siting, and plot size.

The dwelling and building to the east of no.169 both have a frontage to the laneway, and we are not reliant on the commercial shed, nor do we rely on the continuous frontage being within a straight line. As a result, the substantial and continuously built up frontage is defined as the recently constructed dwelling, the gap site and the dwelling and building to the east of no.169.

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

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

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



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

Application Reference: LA07/2020/0552/F

Date Received: 06/03/2020

Proposal: Erection of a new dwelling (change of house type from that approved under P/2014/0923/F) with new access arrangements through proposed shared access with No. 115 Greencastle Pier Road. (Amended plans received)

Location: Lands adjacent and east of 115 Greencastle Pier Road, Kilkeel

Site Characteristics & Area Characteristics:

The application site comprises a vacant parcel of land located to the east of 115 Greencastle Pier Road. The site is adjoined to the east by a laneway which leads to lands to the rear. The surrounding area is predominately residential with the site being located within the development limit of Greencastle, within an Area of Archaeologic Potential and within an AONB.



Application Site

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The NI Regional Development Strategy 2035
- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 3- Access, Movement and Parking
- DCAN 15- Vehicular Access Standards
- Parking Standards
- PPS 7- Quality Residential Environments
- Addendum to PPS 7- Safeguarding the Character of Established Residential Areas
- DCAN 8- Housing in Settlements
- Planning Policy Statement 2- Natural Heritage
- Creating Places
- Living Places Urban Stewardship and Design Guide
- Planning Policy Statement 6- Planning Archaeology and the Built Heritage

Site History:

- **P/2014/0923/F-** The erection of a detached dwelling (renewal of current approval) lands adjacent and east of No 115 Greencastle Pier Road, Kilkeel. Permission granted 05/11/2015 subject to a five-year time limit. Current application (LA07/2020/0552/F received on 06/03/2020) was received when P/2014/0923/F remained extant. Approved plans are shown below:



- **P/2009/1541/F-** Change of house type on original approval P/2006/1609/F West of 113 Greencastle Pier Road, Kilkeel. Permission granted 18/02/2010.
- **P/2006/1609/F-** Erection of dwelling Land west of 113 Greencastle Pier Road, Greencastle. Permission granted.

Lands to the rear of application site:

- **LA07/2019/1502/O-** Proposed site for dwelling with associated site works on lands approx. 15m north of 115 Greencastle Pier Road, Greencastle. Permission granted 01/02/2021 subject to conditions:
 - The dwelling hereby permitted shall be single storey in form and have a ridge height of less than 6.5 metres above finished floor level. There shall be no upper floor windows located within the gable ends, with the dwelling design reflective with the indicative site layout drawing no. D-01A- Rev-A.
Reason: To ensure that the development is in keeping with the character of the area and the interest of privacy and amenity.



- **LA07/2021/0964/F-** Section 54 application to vary conditions 2 (approved plans), 5 (upper floor windows), 8 (materials) and 9 (landscaping) attached to permission LA07/2019/1502/O Lands approximately 15m north of 115 Greencastle Pier Road, Greencastle. Approved with conditions.

Consultations:

- **NI Water- Generic response provided.**
- **Historic Environment Division-**
HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6

Historic Buildings, has been re-consulted to consider the revised proposals affecting the following listed buildings which are of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011:

HED Reference	Information	Grade
HB16 04 013 A Grade B2	Coastguard House, 117 Greencastle Pier Road, Kilkeel	
HB16 04 013 B Grade B2	Coastguard House, 119 Greencastle Pier Road, Kilkeel	
HB16 04 014 A Grade B2	Lighthouse Keepers House, 121 Greencastle Pier Road	
HB16 04 014 B Grade B2	Lighthouse Keepers House, 123 Greencastle Pier Road	
HB16 04 014 C Grade B2	Boat house adj.to 117 Greencastle Pier Road, Kilkeel	

HED (Historic Buildings) is content with the proposal with conditions under Paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED (Historic Buildings) is content in principle with development at this site but it must be appropriate. The proposed dwelling must be constructed with the traditional materials noted on the drawings, ie slate roof, aluminium windows, painted render and stone facade. Although HED would not normally approve uPVC for rainwater goods, we note that this material is prevalent in the surrounds of this proposed site, and therefore will not object. HED (Historic Buildings) acknowledge reference to previously granted planning application P/2014/0923/F.

- **DFI Roads-** No objections subject to conditions.
- **Shared Environmental Services-** SES were not formally consulted on previous approvals on the site. However, given the extant approval on the site and the consultation response from SES relating to LA07/2019/1502/O (application for a dwelling to the rear of the subject site) concluding it could not have any conceivable effect on the selection features, conservation objectives or status of any European site, the same logic applies to the application site.

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). The proposal would not be likely to have a significant effect on the features of any European site.

Objections & Representations:

Eight neighbours were initially notified of the application and the application was advertised within two local newspapers with statutory expiry on 26/05/20 and 03/06/2020 respectively.

During the processing of the case, an amended proposal description, address, application form and plans have been received.

Further rounds of neighbour notification have been undertaken in Dec 2020, and March and June 2021.

Objections have been received from 8 different addresses throughout the processing of this application, the issues raised are summarised below:

(These addresses include 92, 93, 105 and 111 Greencastle Pier Rd, 19a Fair Rd, 45 Aughnagon Rd, 7 Kilfeaghan Rd, and 7 Shore Rd).

- Design/ Scale and Massing- The presence of a three storey dwelling art deco design is not suitable for the locality or plot size and will impact on onshore and offshore views, the character of Carlingford Lough and AONB.
- Not all neighbours within the local area have been notified and local community groups should be notified. Owners of adjoining lands have not been notified. Applicant was selective when supplying addresses for neighbour notification letters.
- Due to pandemic and lockdown, an extension should be allowed to make submissions.
- Proposal would be intrusive to privacy of existing residents and future residents of lands to be developed.
- Proposal would not achieve adequate parking/ turning space for additional two cars proposed.
- Plans submitted are misleading to make adjoining dwellings appear larger.
- Design and Access Statement fails to consider 6 houses at "The Lightkeepers Gardens"
- Loss of visual amenity to the local Motte and listed buildings should be considered.
- Issues of access, right of way of for owners and tenants to the rear of terrace. Information conflicts between objectors regarding the status of right of way/ private laneway adjoining the site.
- Plans submitted encroach onto land not owned by the applicant.
- There is a communal septic tank on the application site which will be obstructed by the proposal.
- Amended plans requested by the Planning Department were not provided by the deadline and this delay should not be permitted in line with the Council' Scheme of Delegation.
- Under no circumstances will permission be given for visibility splays over adjoining outside the ownership of the applicant. The current laneway benefits from a boundary wall separating the applicant's lands and under no circumstances will it be permitted to modify this under this application.
- Amended shared access is inappropriate and the area would benefit from the previous access arrangement under P/2014/0923/F.
- The previous approval has since lapsed and reference to it should not be considered.
- Amended plans received are still not in keeping with the overall character of the established area. The cramming of an inappropriately scaled dwelling is inappropriate for the site and area.
- Drawings do not illustrate floor measurements and fully scaled drawings should be submitted.
- Amended plans did not follow an amended design and access statement.
- Application LA07/2019/1502/O has been approved to the rear and the proposal would result in overlooking and loss of privacy for the site to the rear.
- The first and second floor windows are not situated 10m and 15m from the boundary of the property and the site is so small this is not achievable.
- Property deeds and maps of the adjoining lands have been provided for the Planning Departments consideration.

Following an initial site inspection and review of the application and objections, correspondence was issued to the Agent on 30th July 2020 summarised below:

- Requesting an amended proposal description and P2A Form
- Additional information for HED
- Issues of land ownership raised by objectors were passed to the Agent, it was requested to ensure plans were accurate and a P2A was served on all necessary landowners.
- Remove the shading of the paved area to the rear of 115 as is misleading as it appears as the footprint
- Plans to show the proposed septic tank
- Concerns that whilst the proposal may respect adjoining ridge heights, there are concerns the proposed three storey element and design are not in keeping with the character and it was requested the scheme was reduced to a two storey dwelling of more traditional design.

In response, the Agent provided an amended P1 Form, provided a P2A Form which was issued to a neighbour. The Agent has stated this related to a slither of the visibility splay which goes over the existing Right of Way which is enjoyed by all residents, including the applicant. Revised plans were also received for comment.

The Planning Department reviewed plans submitted and raised concerns regarding the design concept behind the three storey to the rear as the surrounding appears to be predominately two storey. There were also concerns of the impacts the proposed balcony may have on adjoining residents in terms of loss of privacy and overlooking and whilst the previous approval included a balcony the siting and scale of the one proposal is of concern. The Agent provided the below image to demonstrate three storey elements in the area and amended plans were received showing a 1.6m high obscure screen along the side of the balcony. Correspondence from the applicant's solicitor in terms of land ownership has also been provided.



In response to objections received I would note the following:

- Design/ Privacy - This will be considered below.

- Neighbour Notification- The information contained in part 28 in the application form is compiled by the applicant / agent. Neighbour notification has been issued to all identified occupiers on neighbouring land in line with current requirements, notification is not required to be served on owners of vacant parcels of land. All objections received have been considered as part of this planning application.
- The access and proposed parking arrangement have been considered by DFI Roads who are content subject to conditions.
- The potential impacts of the scheme on the motte and listed buildings in the area has been considered by Historic Environment Division who are content with the scheme subject to conditions.
- Land ownership is a civil matter and planning permission does not confer title. The information regarding land ownership from all parties has been noted and considered.
- Previous approval P/2014/0923/F was extant at the time the current application was received and will therefore be considered as a such.
- All plans submitted are to scale with the appropriate scale annotated.
- Potential impacts on lands to the rear (LA07/2019/1502/O) will be considered.

Assessment

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 where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The site lies within the settlement limit of Greencastle and is unzoned, as depicted in the Banbridge/ Newry and Mourne Area Plan 2015. This application seeks a change of house type from that approved under P/2014/0923/F. The principle of a dwelling on the site has been long established through the extant approvals, this is a change of house type application and issues of design and potential amenity impacts will be considered. Previous approval P/2014/0923/F and the current proposal elevations are shown below:



Proposed plans feature a similar sized window within the front elevation along the roadside. To the rear, the large window from the first floor to ridge has been replaced with smaller window openings at three levels of similar design to the rear of No's 111 and 109 (photograph from Agent above). The proposal will have a lower ridge height than adjoining development as shown on the roadside elevation. Whilst the proposal may offer an additional level of accommodation internally, externally I consider the size and scale of the proposal to be similar to the extant approval which is a material consideration and given the three storey nature of the rear of dwellings in the vicinity of the site, I consider the design, scale and massing of the proposal to be acceptable.



As previously stated, the principle of a two-storey dwelling on the site has been long established and whilst outline approval has been granted to the rear of the site, the planning history must be considered. Condition 2 of LA07/2021/0964/F varied the approval to the rear and stated that *"The dwelling hereby permitted shall be single storey in form and have a ridge height of less than 6.5 metres above finished floor level. There shall be no upper floor windows serving habitable rooms located on the southern elevation of the dwelling hereby permitted"*. This condition should ensure no overlooking between the proposal and lands to the rear.

It is unreasonable for the Planning Department to request the present scheme to remove windows to the rear, if it complies with current guidance, and care will need to be taken in any subsequent reserved matters or full planning applications to the rear to ensure there is no impact on the privacy or amenity of occupants. A 1.6m high obscure screen will be fitted to the sides the balcony to limit any potential overlooking to adjoining properties. I am content the application constitutes a change of house type of an extant approval and the plans are acceptable in terms of design and amenity.

The dwelling will be sited to respect the exiting frontage and building line along Greencastle Pier Rd. It will be set in from both side boundaries with its vehicular access directly onto the Greencastle Pier Rd, adjacent to the entrance of no.115. The entrance of no.115 is also to be modified and paired with the proposed access serving the application site. The main rear return of the dwelling will also be sited approx. 9-10m from the rear boundary, with planting proposed along the side and rear boundaries, and a wall with planting behind along the frontage.

Land Ownership/ Access

There has been several exchanges and comments received in terms of land ownership from the applicant and objectors. As previously stated, landownership is a civil matter and planning approval does not confer ownership, it will be for the applicant to lawfully implement any approvals. Notwithstanding this, DFI Roads have advised that no works are required to the laneway adjoining the site in order to provide the required visibility splays. DFI Roads are content with the scheme under the requirements of PPS3.

Planning Policy Statement 6

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

HED (Historic Buildings) has considered the effects of the proposal on the listed buildings and on the basis of the information provided, HED (Historic Buildings) is content with the proposal with conditions under Paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED (Historic Buildings) is content in principle with development at this site but it must be appropriate. The proposed dwelling must be constructed with the traditional materials noted on the drawings, ie slate roof, aluminium windows, painted render and stone facade. Although HED would not normally approve uPVC for rainwater goods, we note that this material is prevalent in the surrounds of this proposed site, and therefore will not object. HED (Historic Buildings) acknowledge reference to previously granted planning application P/2014/0923/F.

Recommendation: Approval. As per the Council's Scheme of Delegation, applications attracting six or more material planning objections from different addresses where the Officer's recommendation is for approval are required to be brought to Planning Committee

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby approved shall take place in strict accordance with the following approved plans: 19-24-01 A, 04D, 05 B, 06 B, 08 B, 09A.
Reason: To define the planning permission and for the avoidance of doubt.
3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 09A prior to the commencement of any other

development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing 19-124-04 D and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the first available planting season following occupation of any part of the dwelling on the site.

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

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

The POW shall provide for:

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

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

7. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 6.

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

8. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 6. These measures shall be implemented and a final archaeological report shall be submitted to the Planning Department within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Planning Department.

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

9. The proposed dwelling must be constructed with the traditional materials noted on the drawing 19-124-6-B, i.e. slate roof, aluminium windows, painted render and stone facade.
Reason: To ensure the proposal is in accordance with Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

1. Please refer to the HED guidance document [Development and Archaeology: Guidance on Archaeological Works in the Planning Process](#) which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval.

Please allow sufficient time in advance of the commencement of site works for the agreement of the programme of archaeological work document with the planning authority and for your archaeological consultant to obtain an archaeological excavation licence. For guidance on the preparation of the programme of archaeological work please contact:
Historic Environment Division – Heritage Development & Change Branch, Ground Floor,
9 Lanyon Place, Belfast, BT1 3LP
Tel: 02890 823100
Email: HEDPlanning.General@communities-ni.gov.uk
Quote reference: SM11/1 DOW057:001 and LA07/2020/0552/F

2. EXISTING WATER AND SEWER INFRASTRUCTURE
 1. The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
 2. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
 3. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
 4. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order

to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.

5. It is the responsibility of the house builder/builder/developer to establish if existing public watermain, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.

6. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development.

This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermain and sewers.

7. Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopers.asp and Forms.

3. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure' consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is 3 Springhill Rd Newry. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

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

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Case Officer Signature: E. Hart
Date: 08/09/2021
Appointed Officer Signature: M Keane
Date: 08-09-21



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

Application Reference: LA07/2021/0036/F

Date Received: 30/12/2020

Proposal: Proposed 2 No. Subterranean Glamping units.

Location: 240m North West of 35 Carrick Road, Warrenpoint, BT34 3QR

Site Characteristics & Area Characteristics:

The application site comprises part of a larger agricultural field located on the southern side of Carrick Road. This section of Carrick Road is elevated and benefits from scenic views towards Carlingford Lough. The site sits at a higher level than Carrick Road with levels rising from the east to west across the uneven terrain. The application site is outside any defined settlement limits and within an Area of Outstanding Natural Beauty.



Application Site

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Planning Policy Statement 16- Tourism
- Planning Policy Statement 3- Access, Movement and Parking
- Parking Standards
- PPS2- Natural Heritage

Site History: There is no planning history on the application site.

Consultations:

- **NI Water-** Applicant proposes to supply water via a well. NI Water do not have a water main within this area. No public sewer network within this area. Applicant proposes to discharge foul sewage to septic tank. Applicant proposes to discharge storm water to soakaway. Standard planning conditions provided.
- **DFI Roads-** No objections to the proposal subject to conditions.

Objections & Representations:

No neighbour notification was necessary for this application, in line with current requirements, however it was advertised within one local newspaper. Throughout the processing of the application the proposal description and plans were amended and the application was re-advertised within one local newspaper with statutory expiry on 23/06/2021, neighbours who had submitted objections were notified of amended plans with period for submissions expiring on 11/06/2021.

To date, Objections have been received from nine different addresses, the concerns raised are summarised below:

- Application has been submitted with very little information available to make a full assessment and has not included a design and access statement.
- The pods will be self-maintained and there are concerns regarding security risk to existing and proposed properties in the area along with the potential for antisocial behaviour and noise.
- Access is poor and existing roads are unsuitable for increased traffic. The road is regularly impassable due to weather and poor road maintenance.
- Location is isolated with no provision for power or water.
- The proposed located is an area of outstanding natural beauty.
- Adjoining fields are used to graze cows, cut silage and slurry which would not be attractive to visitors. Photographs have been provided. The proposal would also cause disruption and health impact to local farm animals.

- SPPS 6.73 states that for non-residential development in the countryside, provision should be made for a farm diversification scheme. The site currently has no dwelling and the road is not fit for increased traffic, the application therefore does not meet this criteria.
- The site will not meet 6.254 and TSM2 as the site is remote with very few amenities and no public pathways.
- Description of pods as subterranean is detrimental to the environment and the use of these pods would disrupt the environment and produce carbon.
- Negative impact on wild life and to the re-establishment of breeding raptors that have made a return is recent years.
- Decrease in natural dark environment due to additional light pollution in a remote area.
- Access is contrary to DCAN 15 with regards to access location close to the outside of a bend on a narrow road and insufficient visibility splays.

The Planning Dept acknowledged the lack of detail on the original submission and requested further information, which was duly supplied together with a Design and Access Statement. Concerns raised in terms of the proposed access and splays have been addressed within the consultation response from DFI Roads who have offered no objections to the proposal. No lighting is proposed within the site layout and the pods are to be fitted with high performance one-way mirrored film which will limit any light pollution. The reference to Farm Diversification and TSM2 are misplaced, this application does not seek permission for a farm diversification scheme and Policy TSM2 does not apply to tourist accommodation.

One letter of support has been received stating that the site is an ideal location for the proposal and the design is original and innovative to respect the surrounding landscape.

Assessment

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 Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the Mourne AONB.

The application was originally submitted as a glamping site comprising 4 units (2 above ground and two below ground) and a large car parking area.

Following initial assessment, the applicant was requested to provide further detailed plans and advised that this site is located in an elevated location within an AONB, whereby there are concerns the proposal would appear as prominent and fail to be absorbed into the landscape resulting in an adverse impact on visual amenity and rural character. Several sets of amended plans have been received to address these concerns, the application will be progressed based on the most recent plans received (100 Rev A, 102 Rev D, 103 Rev D, 104 Rev D).

Strategic Planning Policy Statement

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

Planning Policy Statement 21

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a relevant retained policy document. Policy CTY1 of PPS21 lists the types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. It indicates that planning permission will be granted tourism development in accordance with the TOU Policies of PSRNI.

While the SPPS also contains policies dealing with tourism, these do not conflict with any retained policies and consequently the relevant policy context in respect of tourist development is provided by Planning Policy Statement 16 – Tourism (PPS 16). The pods provide basic accommodation and Policy TSM6 of PPS16 is considered to be the relevant policy provision for this application.

Policy TSM 6 relates to new and extended holiday parks in the countryside and states that planning permission will be granted for a new holiday park where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development and subject to meeting the following criteria:

- a) *The site is located in an area that has the capacity to absorb the holiday park development without adverse impact on visual amenity and rural character;*
The pods are pre-formed concrete and to be buried into the ground with no retaining structures proposed. Two cross sections have been provided to show existing and proposed levels on the site will remain the same. The removal of the above ground pods for the scheme has ensured that the site can accommodate two subterranean pods without having an adverse impact on visual amenity or rural character.
- b) *Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. 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 its integration with the surrounding area;*
The application has been accompanied by a detailed landscaping report with corresponding landscaping plan to ensure the entrance to the site is sensitive whilst also providing screening for the car park area. The pods will not be readily visible travelling along Carrick Road. It is considered the site can provide effective integration.
- c) *Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;*

The remainder of the site will be open space and whilst the open space areas to the north of the site will not be of level surface, this is considered most appropriate to ensure the rural character of the area is not affected by the proposal.

- d) *The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;*
The proposed units are sited to the south of the site to benefit from views of Carlingford Lough with planting proposed between each pod.
- e) *The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;*
The design and layout is considered acceptable for this type of development and in accordance with the details outlined within Appendix 4.
- f) *Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;*
There have been no environmental assets identified on the site.
- g) *Mains water supply and sewerage services must be utilised where available and practicable.*
Septic tanks and use of a well are proposed. NI Water have advised there is no water mains or public sewer in the area.

The proposal complies with the criterion of Policy TSM6.

TSM7 is also applicable to the application. The following design and general criteria must be met:

"Design Criteria

1. *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;*
2. *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;*
3. *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;*
4. *utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;*
5. *is designed to deter crime and promote personal safety;*

6. *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

7. *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;*
8. *it does not harm the amenities of nearby residents;*
9. *it does not adversely affect features of the natural or built heritage;*
10. *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;*
11. *access arrangements must be in accordance with the Department's published guidance;*
12. *access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;*
13. *the existing road network can safely handle any extra vehicular traffic the proposal will generate;*
14. *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.*
15. *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".*

The site layout is informal and pods are subterranean to allow for integration. The proposal is compatible with surrounding land uses and will not detract from the landscape quality or character. The proposal is not considered to harm the amenity of nearby residents given the scale of the proposal and separation distance to nearby properties. DFI Roads are content with the scheme subject to conditions. The proposal is considered to be in accordance with Policy TSM7.

Planning Policy Statement 3

DFI Roads have been consulted and are content with the proposal subject to conditions, car parking is proposed at 2 spaces per unit which is considered reasonable. Splays of 2.3m by 33m in both directions are to be provided, with planting behind. The proposal is considered to be in accordance with Policy AMP2.

Planning Policy Statement 2

The application site is located within an Area of Outstanding Natural Beauty and as such Policy NH6 is applicable. The proposal is of a high-quality design with pods proposed to be buried in the ground to ensure they are sympathetic to both the character of the AONB and the general character of the area. The proposal is considered to comply with policy NH6.

Recommendation: Approval. As per the Council's Scheme of Delegation, applications attracting six or more material planning objections from different addresses where the Officer's recommendation is for approval are required to be brought to Planning Committee.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby approved shall take place in strict accordance with the following approved plans: 100 Rev A, 102 Rev D, 103 Rev D, 104 Rev D.
Reason: To define the planning permission and for the avoidance of doubt.
3. The pods hereby permitted shall be used only for holiday accommodation. The pods shall not be used for permanent residential accommodation and shall not be occupied by any one individual, family or group for a period exceeding 28 days in any calendar year. The owner/operator shall maintain an up to date register which includes the names of all occupiers of the holiday accommodation, their home addresses and the dates of arrival and departure. The register shall be made available to the Local Planning Authority upon request.
Reason: This consent is hereby granted solely because of its proposed holiday use and to ensure that the buildings are used for holiday accommodation only.
4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 102D prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

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

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details contained within Landscape Specification and sketch provided by Douglas Nurseries and Horticultural Serviced Ltd (date stamped 07/04/2021) and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to operation of the site. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

7. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

Informatives:

1. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

A formal water / sewer connection application must be made for all developments, including those where it is proposed to re-use existing connections.

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

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

All services within the development should be laid underground

2. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is 3 Springhill Rd Newry. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

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

Case Officer Signature: E. Hart

Date: 06/09/2021

Appointed Officer Signature: M Keane

Date: 08-09-21



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0730/F

Date Received: 25/05/2020

Proposal: Proposed Erection of 4 No Terraced Houses

Location: Between 32 and 38 Mountain Road, Kilkeel



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red form a roughly triangular shaped plot located between no. 32 and no. 38 Mountain Road, Kilkeel. The site consists of a vacant plot with an orientation running east to west. The site fronts onto Mountain Road and the topography falls to the east, as you move towards the Little Kilkeel River (forms the eastern boundary). The difference in ground levels from the front to the rear of the site is approx. 7.0m. The site is at present in an overgrown state, with what appears a dropped kerb and partial construction of an access. In term of boundary treatments, the eastern boundary is defined by Little Kilkeel River, the western boundary is defined by aluminium mesh security type fencing. The northern

boundary that abuts no. 38 Mountain Road consists of a block wall, which varies in height. The southern boundary consists of dense vegetation.

Characteristics of area: The subject site is located within the settlement limits of Kilkeel on unzoned white land as per the Banbridge / Newry and Mourne Area Plan 2015. The area is characterised primarily by residential development, with a variety of house types located along this stretch of Mountain Road. There are 2 storey terraced dwellings to the south of the site. To the north of the site is detached dwellings, with a residential development to the east. A place of worship and graveyard is located to the west of the site. The site is located just outside a designated Area of Townscape character, the Little kilkeel River to the east is designated as a Local Landscape Policy Area (KL31)



Site History:

P/2008/0336/LDP - Proposed roofspace conversion. 38 Mountain Road, Kilkeel. Permitted development.

P/2006/1615/F - Erection of 7 no. apartments. Between nos. 32 and 38 Mountain Road, Kilkeel. Permission granted.

P/2005/2042/F - Erection of 11 No. Apartments. Between No. 32 and 38 Mountain Road, Kilkeel. Application withdraw after DC group recommended refusal.

Planning Policies & Material Considerations:

The NI Regional Development Strategy 2035

SPPS – Strategic Planning Policy Statement for Northern Ireland.

Banbridge/Newry and Mourne Area Plan 2015

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

AMP 2 - Access to Public Roads

PPS 6 - Planning, Archaeology and the Built Heritage

PPS 7 – Quality Residential Environments

PPS8 – Open Space, Sport and Outdoor Recreation

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

PPS 12 – Housing in Settlements

PPS 15 – Planning and Flood Risk

Creating Places

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

DCAN15 – Vehicular Access Standards

Parking Standards

DCAN8 – Housing in Existing Urban Areas

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

Consultations:

NI Water – Available capacity

DfI Roads - No objections subject to access being constructed in accordance with approved PSD's and planning conditions

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

Environmental Health (NM&D) – No objections

Northern Ireland Environment Agent (NIEA) – Standing advice and recommended planning condition.

HED – No objection subject to recommended planning conditions and informatives

Objections & Representations:

10 Neighbours within close proximity of the site were notified on 20/08/2020. This application was initially advertised in the local press on 23/06/2020 and 24/06/2020. The application was subsequently re-advertised on 25/08/2020 and 26/08/2020. At the time of writing (29/06/2021) no representations have been made.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of 4no. terraced dwellings. The dwellings will form one rectangular shaped footprint, with an orientation along a north and south axis with the principal elevation facing west and rear elevation pointing east. The dwellings will comprise a split-level construction, appearing as two storey along Mountain Road, with a three storey construction to the rear. The dwellings will have a maximum ridge height of approx. 7.6m (measured from GFL at Mountain Road) and 11.4m (measured from GFL to the rear). The proposed ridge of 3 of the 4 dwellings step down from north to south. The most northern unit, will have a footprint extending further to the rear than the remaining three. The dwellings will have a standard pitched roof construction, with a frontage measuring approx. 5.6m-7.7m and a gable depth of approx. 6.8m-9.6m. Two of the units will provide 4 bedrooms and two units will provide 3 bedrooms.

The scheduled materials and finishes consist of dark blue slate roof tiles, smooth painted plaster exterior walls, Off White or White Hardwood windows and black metal down pipes and gutters.



Proposed Site Layout

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

The NI Regional Development Strategy 2035

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character. Whilst this proposal will be increasing housing provision within the Kilkeel, it is considered contrary regional housing policy of the RDS as it is proposed in an unsustainable manner.

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the settlement limit of Kilkeel on the above Plan and is unzoned. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this. Therefore, the principal proposal is in keeping with the Area Plan. There are no specific policies in

the Plan that are relevant to the determination of the application. It will be assessed against regional operational policy.

SPPS & PPS 12 – Housing in Settlements

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. As like the RDS housing policy, whilst this scheme will increase the housing density in this area, as a consequence this particular scheme will caused erosion of local character and amenity. A mix of house types and sizes and sizes is provided to promote choice and assist in meeting community needs. No specific need for social housing has been identified.



Proposed front and rear elevations

PPS 7 – Quality Residential Environments

PPS 7 asserts that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

PPS 7, Policy QD 1:

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

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

In a letter dated 11/11/2020 the Council made the acting agent aware of significant concerns regarding its compliance with QD1. The Council are of the opinion that while there is no objection in principle to residential use on this site, it is considered the layout including row of parking, entrance road and the general extent of hard-standing to the front is not acceptable. It is considered the block needs to be broken up with parking provided to the side with front garden areas thereby creating a softer and better-quality development.

In a rebuttal, the agent drew reference to the previous approval on site for 7 apartments P/2006/1615/F stating, "The job is still active as there is a foundation dug and inspected by building control and we are just using the parking layout and access point that was approved for that job". Whilst, this application is not the appropriate mechanism to demonstrate commencement, the Council nonetheless requested the agent demonstrate that commencement had taken place and that conditions 4 and 7 (access related) have been enacted. In a formal rebuttal submitted by O'Toole and Starkey, the agent accepted that the previous application has since expired, with no evidence of commencement forthcoming. Consequently, while the planning history was a material consideration for the Planning Department in its assessment of this application, limited weight has been attached to it.

In assessing the case the Planning Department took full account of the existing character in the vicinity and considers that the car parking at the front of the site dominates the development, and this will have an unacceptable adverse visual impact on the character of this part of Mountain Road. The proposal will erode the character and amenity of the area through inappropriate over development and town cramming. Particular care has not been taken with regard to the typical spacing between dwellings, the scale and massing of buildings or landscape design.

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

The application site is within close proximity HB16/03/009 A-C - 28 – 32 Mountain Road, Kilkeel, Newry, Co Down. These are Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Having consulted HED, the agent was requested to provide a street section elevation showing the relationship this proposal will have on the

adjacent listed buildings. Having received this information, amended roof type design and revised materials and finishes HED has confirmed that it is now content and on the basis of the information provided considers the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6.

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

Given the nature, scale and location of the development, there is no requirement to provide public open space. In this instance the applicant has provided an area of open green space at the eastern portion of the site. The proportion of public open space was not part of the original submission but was submitted as a consequence of this portion of the site being located within the Q100 flood plain. Notwithstanding, the Council welcomes the provision of public open space to the rear. Creating Places recommendations, the private open space for the detached and semi-detached dwellings is 70m². It does further state that for any individual house an area less than around 40 sq m will generally be unacceptable. It is noted that the provision of private open space for this application for each unit varies between 40-48 m².

Such provision of amenity space for a 4-bedroom dwelling in an area such as this is generally considered to be unacceptable, however regard must be given to the provision of the area of public open space beyond the immediate rear gardens.

While the layout and provision of amenity space is unacceptable, having account the site specifics, it is considered a refusal could not be sustained on this basis.

The planning department also note the distances from the units to the rear boundary. Creating Places strives for a minimum of 10m of separation distance as this mitigates overlooking, but also allows for adaptability (improvements and extensions) and a suitable area of amenity space. Whilst in this instance all the dwellings fall short of this guidance, the Council note that the lands located beyond the proposed boundary are located within the Q100 flood plain. As per requirements in FLD 1 no development must take place within such lands. In this particular instance, the planning department have taken a pragmatic approach, giving regard to the provision of new public open space beyond the immediate rear gardens.

As stated above the units proposed are split level, with a 3 storey rear return, whereby it is considered these are located a sufficient distance from the properties to the far side of the river bank to prevent any unacceptable impact in this urban context.

It is noted on the site layout drawing that the vegetation located along the southern boundary is to remain, with new planting proposed to the north. Case officers consider that the lack of planting proposed to the roadside boundary and to the front

of the dwellings is unsatisfactory, failing to soften the visual impact of the dominate area of hardstand proposed.

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

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

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

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

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

The submitted site layout shows the provision for 7 car parking spaces to be located immediate adjacent to the proposed public footpath. The proposal seeks the erection of 4 terrace dwellings consisting of Two of the units will provide 4 bedrooms and two units will provide 3 bedrooms. Parking Standards generates a parking requirement of 9 spaces. The proposal is considered to fall short of this parking requirement. In addition, parking provision is not appropriate, and the mass of hard standing and car parking at the front of the site will create a hard, urban environment, to the detriment of the character and appearance of the surrounding area.

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

The materials and finishes of the dwellings are considered in-keeping. As discussed above, a singular block with dominate parking to the front is considered unacceptable at this site. The proposal will erode the character and amenity of the area through inappropriate over development and town cramming. Particular care has not been taken with regard to the typical spacing between dwellings, the scale and massing of buildings or landscape design.

- (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 design and layout has been formulated with reference to surrounding adjacent land uses and should not conflict with them. The main concern would be potential overlooking or loss of privacy to the adjacent dwellings. Given the design of these dwellings, case officers are content that there will not be an adverse amenity impact. The main windows face from the front and rear, with upper floor windows to the side

elevations. Environmental Health has been consulted regarding the proposal and has no objections to the scheme subject to the proposal being connected to the mains sewage with NI Waters approval.

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

The proposed layout gives neighbouring dwellings a good view of people approaching on the main estate road. There are no alley ways or areas that would give rise to concerns of crime or which would impede safety. The area of public open space to the rear can be monitored easily from any number of rear windows. The proposal meets the requirements of this criterion.

Policy LC 1 of the Addendum to PPS 7

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

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

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

The proposed housing density is approx. 40 dwellings per hectare. Whilst the Department advises that on sloping sites only low-density developments are likely to be acceptable, the density of this proposal is considered significantly greater than would otherwise be expected at this location. Case officers note the terrace development to the immediate south, and given its high density in such close proximity, a refusal reason on this basis would be unsustainable.

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

The existing pattern of development consists of a mixture of terrace, apartments and detached dwelling houses, in-curtilage, areas of green space to the front and rear gardens. The pattern of development proposed which seeks car parking and hard-standing to the front will dominate the development, and this will have an unacceptable adverse visual impact on the character of this part of Mountain Road and is a poor quality layout.

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

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

PPS 2 - Natural Heritage

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). The Council as the competent authority carried out a screening and conclude that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

The original form accompanying the application indicated that foul sewage is to be disposed of to a septic tank. Water Management Unit has considered the impacts of the proposal on the water environment and would provide the following advice. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The agent has since revised the P1 indicated foul sewage will be disposed via the mains network.

PPS 3 – Access, Movement and Parking

DfI Roads has been consulted with regards to the Access, Movement and Parking. The Department has responded to the most recent scheme with no objections to the proposal subject to Conditions. Parking Standards generates a parking requirement of 9 spaces. The proposal is considered to fall short of this parking requirement.

PPS 6 – Planning, Archaeology and the Built Heritage

The application site is within close proximity HB16/03/009 A-C - 28 – 32 Mountain Road, Kilkeel, Newry, Co Down. These are Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Having consulted HED, the agent was requested to provide a street section elevation showing the relationship this proposal will have on the adjacent listed buildings. Having received this information, amended roof type design and revised materials and finishes HED is now content the proposal will not adversely impact on the listed building and on the basis of the information provided considers the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6.

PPS 15 – Planning and Flood Risk

The Little Kilkeel River flows along the western boundary of the site. As such, DfI Rivers have been consulted at several stages as part of the assessment of this application.

FLD 1 - The Flood Hazard Map (NI) indicates that a portion of the site is located within the 1 in 100 year fluvial flood plain. Initially the proposed housing is located outside the determined 1 in 100 year flood plain and a suitable freeboard is in place. Initially the vast majority of the 4 proposed gardens are however located within the determined 1 in 100 year flood plain and as such the Planning Authority should determine if the principle of development is accepted by themselves through meeting the 'Exceptions Test' as set out in Revised PPS 15 FLD 1.

Following this response from DfI Rivers, the agent revised the site layout reducing the size of the rear gardens. The amended layout indicates that the built development, including gardens, is taking place on elevated ground and out of the 1 in 100 year floodplain with a suitable freeboard.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – DfI Rivers acknowledge the working strip shown on the most recent site layout. It is recommended that the working strip be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

FLD 3 – Not applicable at this site.

DFD 4 – Not applicable at this site.

FLD5 - Development in Proximity to Reservoirs – DfI River's reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Silent Valley Reservoir. DfI Rivers is in possession of information confirming that Silent Valley Reservoir has 'Responsible Reservoir Manager Status'. Consequently DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Recommendation:

As discussed above, whilst the planning department have no objection in principle to residential units on this site, having taken full account of the existing character in the vicinity, conclude that the large area of hard-standing and car parking at the front of the site dominates the development and will have an unacceptable adverse visual

impact on the character of this part of Mountain Road, and does not represent a quality environment. In addition, the singular block with lack of spacing and green space to the front will erode the character and amenity of the area through inappropriate over development and town cramming. Particular care has not been taken with regard to the typical spacing between dwellings, the scale and massing of buildings or landscape design. Insufficient provision has also been made for parking within the site.

Refusal Reasons:

1. The proposed development is contrary to Policy QD 1 (a), (c), (f) and (g) of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, result in unacceptable damage to the local character and amenity of an established residential area through over development and inappropriate layout, siting, landscaping and hard surfaced areas.
2. The proposed development is contrary to Policy QD 1 (f) of the Department's Planning Policy Statement 7: Quality Residential Environments in that the submitted site layout fails to provide satisfactory internal parking provision in accordance with the Departments Guide Parking Standards.

Case Officer Signature: S.Maguire

Date: 30/06/2021

Appointed Officer Signature: M Keane

Date: 01-07-21

COMMITTEE BRIEFING NOTE

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Application Reference: LA07/2020/0730/F

Proposal: Proposed Erection of 4no. Terraced Houses

Location: Between 32 & 38 Mountain Rd, Kilkeel

REASON FOR REFUSAL

1. The proposed development is contrary to Policy QD 1 (a), (c), (f) and (g) of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, result in unacceptable damage to the local character and amenity of an established residential area through over development and inappropriate layout, siting, landscaping and hard surfaced areas.
2. The proposed development is contrary to Policy QD 1 (f) of the Department's Planning Policy Statement 7: Quality Residential Environments in that the submitted site layout fails to provide satisfactory internal parking provision in accordance with the Departments Guide Parking Standards.

CHARACTER

We consider that the case officer has failed to accurately assess the prevailing character of the area, which has resulted in an erroneous assessment of the proposal in its context. The site is located within 15m of the designated Kilkeel Town Centre boundary, where a higher density form of development would be expected. The Council's comments appear more applicable to an out of centre suburban location where you would expect to find a lower density form of development with parking to the side and front gardens forming a soft transition to the road/footpath network. The Council's position also appears to have been solely predicated on the character of development present to the north of the site only, whilst overlooking the higher density urban grain and varying character of development present to the immediate south and west.

The character of the area is evidently mixed with no predominant style or form of development (See Map at **Appendix A**). There is higher density development to the immediate south and there are large areas of hard standing present immediately adjacent to Mountain Rd to the immediate west (Christ Church parking) and a little further to the north (Gospel Hall parking). The Council's concerns with the proposed hardstanding to the front is unsubstantiated and is evidently at odds with the prevailing character of the area present to the south and west.

Contrary to the planning officer's assertion that the proposal would result in unacceptable damage to the character of the area, the nature of this scheme would in fact provide a natural transition between the higher density pattern of development to the south (terraces and apartments constructed up to the edge of the highway) and lower density pattern of development to the north (detached dwellings set back from the edge of the highway).

ESTABLISHED RESIDENTIAL AREA

Annex E of the PPS7 Addendum (APPS7) defines an established residential area as *"...residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens..."* This is an edge of town centre location of mixed form and character and is evidently not an established residential area

as defined by APP57. Refusal reason 1 as worded is erroneous and imprecise - a refusal on this basis cannot be sustained.

PLANNING HISTORY

Planning permission P/2006/1615/F was granted on this site in September 2012 for 'Erection of 7no. Apartments'. The layout, scale and massing of the approved scheme is almost identical to that proposed under this application. This permission has lapsed however the planning policy position insofar as it relates to the proposed development remains unchanged since that decision was reached. The Case Officer Report states that 'limited weight' has been attached the previous permission. As there has been no change in circumstance or planning policy direction since the grant of that permission, there is a reasonable expectation that planning permission should be forthcoming for a similar development once more. Insufficient weight has therefore been given to the planning history of the site.

The Planning Department was furnished with appeal decision 2015/A0053, which demonstrates that, should there be no change in circumstance since the grant of a previous planning permission that has subsequently lapsed, a site's planning history is a material consideration that, when weighed in the planning balance, is considered to trump conflict with planning policy. There is no mention or detailed rebuttal of this within the Case Officer Report.

CAR PARKING

The scheme proposes 7 car parking spaces. Planning Officers calculated a parking requirement of 9 spaces – it is unclear how this calculation was made. Insufficient parking was not raised as an issue on this application previously, so the architect was not given the opportunity to address this concern. Table 7 of the Car Parking Standards states that 1.75 unassigned spaces is required for terraces that only have communal parking provision. This generates a total parking requirement of 7 spaces, not 9.

This aside, even were it agreed that there is a very minor under provision of parking, both DCAN 08 and the DoE Parking Standards allow for a reduction in car parking in sustainable town centre locations such as this. Also, there is ample on-street parking within the immediate vicinity to accommodate this minor shortfall. In view of the above, it is unreasonable and regrettable that the Council proceeded to advance a refusal reason at the final hour on the basis of perceived inadequate car parking provision.

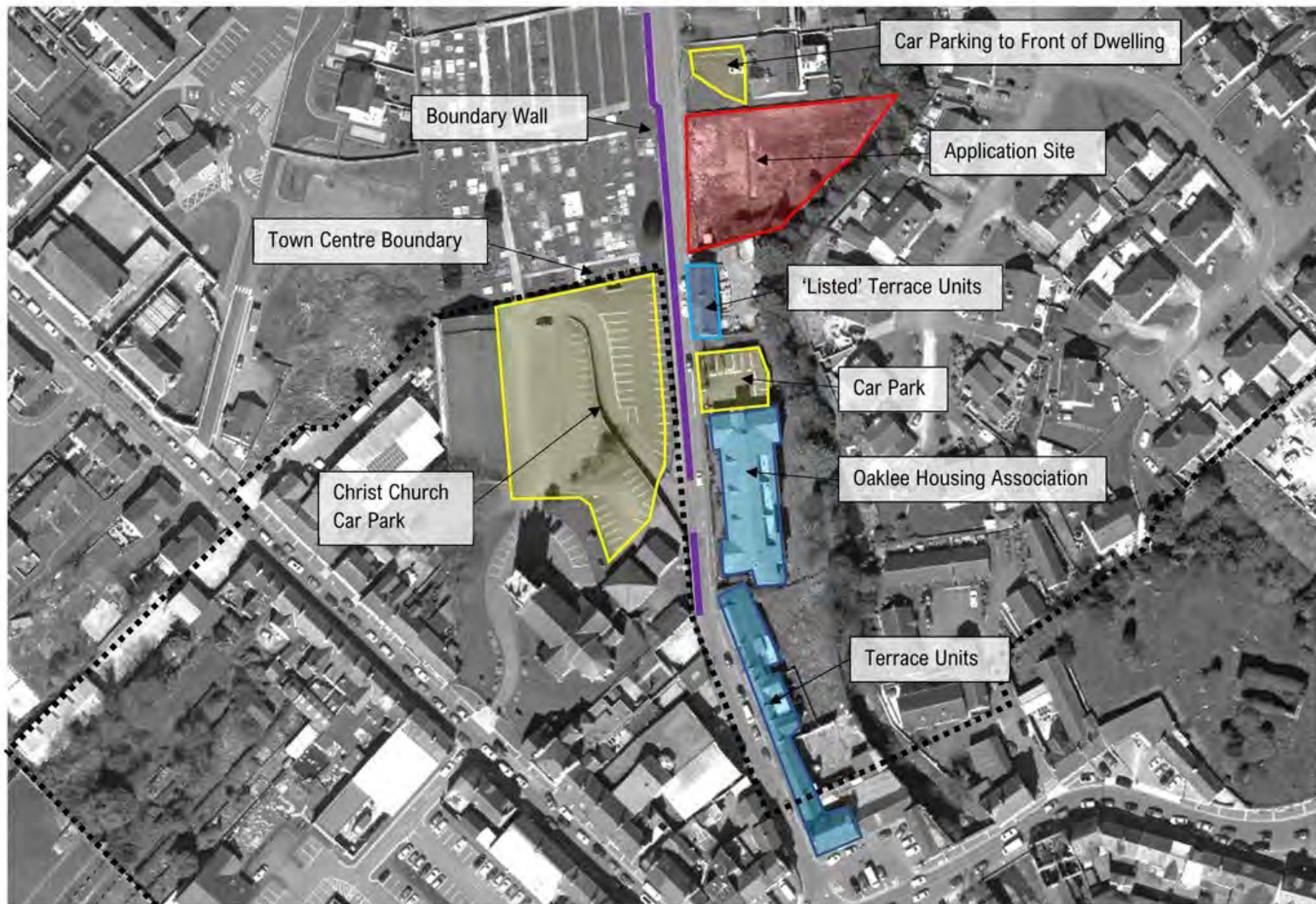
CONCLUSION

The scale, form, massing, and layout of the proposal provides a natural transition between the higher density pattern of development to the south and lower density pattern of development to the north. It causes no harm to the prevailing character of the area and represents a visual improvement by regenerating a longstanding vacant edge of town centre site. To this end, the scheme complies with the requirements of PPS7 policy QD1. This is further evidenced by virtue of permission P/2006/1615/F granted in 2012 for a similar development on this site, which was deemed to accord with PPS7 policy QD1.

The proposal satisfies the aspirations of regional planning policy by delivering a higher density housing development in a sustainable town centre location. The proposal meets the requirements of all relevant planning policy and guidance and should be granted planning permission.

APPENDIX A: Site Analysis Map

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1650/F

Date Received: 29.10.18

Proposal: Erection of 13 apartments

Location: 29-31 Canal Street Newry BT35 6JB

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1.** The site comprises of a former public house which is located within the Conservation Area of Newry City situated to the SE of the junction of Canal Street and New Street.
- 1.2.** The surrounding context comprises of two and three storey properties facilitating a mix of residential and commercial use. Within the immediate vicinity of the site there are more two storey buildings with low roof pitches which is characteristic of neighbouring development. Development to either side of the site, fronting onto New Street and Canal Street comprises of continuous terrace development with units broken up by variation in painted fronts and the arrangements of window and door openings. There is no variation in elevational or roof pitch treatments. Buildings front onto the road with no formal gardens, are simple in design and display traditional form with pitched roofs, painted render finishes, chimneys on the ridge and vertically proportioned window and door openings.
- 1.3.** The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area plan 2015 and not zoned for any specific purpose.

2.0. SITE HISTORY:

LA07/2018/1121/PAD – 14 Apartments. Concluded. (Application site)

P/2007/0879/O – Replacement with mixed development, underground car park, shop and office at ground floor and apartments over. Refusal. (Application site)

P/1998/1129/F – Extension/ alteration to PH to provide bedroom accommodation. Approval. (Application site)

P/1991/1204/F – Extension/ Alterations to PH. Approval.

P/1981/0485/ - COU dwelling to extension to PH. Approval.

3.0. PLANNING POLICY CONSIDERATIONS

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement and Parking
- DCAN 15 – Vehicular Access Standards
- Parking Standards
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 7: Quality Residential Environments
- PPS7 (Addendum): Safeguarding the Character of Established Residential Areas
- PPS 8: Open Space, Sport and Outdoor Recreation
- PPS 12: Housing in Settlements
- PPS 15 (Revised): Planning and Flood Risk
- A Planning Strategy for Rural Northern Ireland
- Newry Conservation Booklet
- DCAN 8 – Housing in Existing Urban Areas
- Regional Development Strategy (RDS)

4.0. STATUTORY CONSULTATIONS.

4.1. Rivers Agency (08.06.20):

FLD1 – Outside the 1 in 100 year flood event cannot sustain an objection. Recommend all finished levels are set a minimum of 600mm above this level.

FL2 and FLD 4 – Not applicable

FLD 3 - Cannot sustain an objection. Confirmation has been received from NI Water by their PDE dated 18/4/2020 that a 450mm storm sewer is located in New Street to serve this private development at greenfield run-off rate.

FLD 5 - Camlough Reservoir condition assured

4.2. NIW (12.11.19) - There is public water sewer, foul sewer and surface water sewer within 20m of the site as well as capacity at the WWTW.

4.3. Environmental Health (06.10.20) - No objections

4.4. Historic Environment Division: Archaeology and Built Heritage:

HED (Buildings) (09.01.20) - Satisfies paragraph 6.12 of the SPPS and Policy BH 11 of PPS6. Conditions to be attached.

HED (Monuments) 22.11.18 - content, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works

4.5 Transport NI (31.01.19) - No objection provide the Planning Authority have no requirements for onsite parking

5.0. OBJECTIONS & REPRESENTATIONS.

20 Neighbours notified

No objections received

Advertised 11/18

6.0. PLANNING ASSESSMENT & CONSIDERATION

6.1. The application is for the demolition of the existing public house which fronts onto Canal Street along with the side/rear annex to New Street. The building is to be replaced with 13 no. apartments and attendant site works by a three-

storey apartment development (albeit a small portion is two storey) which will sit higher than the ridge line and two storey form of the original building.

- 6.2.** The Planning Authority has carefully assessed the proposal in the context of the prevailing planning policy. The main issues to be considered are the principle of residential development on the site, the proposed design, parking and detailing as well as its impact on upon Newry Conservation Area.

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

The site is located within the settlement limit and city limits of Newry City and the designated Newry Conservation Area. Whilst there is provision for residential development within an urban context this is determined by proposals being in full compliance with relevant planning policy and guidance. Further consideration of this is outlined below.

- 6.4 Banbridge/ Newry and Mourne Area Plan:** Conservation Area, Area of Archaeological Potential within the City Centre and Development Limits of Newry City.

The site is located within the development limit and city centre limits which is designed to encompass concentrations of development within an urban setting including residential development. The land use for residential purpose is in keeping with the objectives of the area plan and is not at conflict with it. The site is also located within a Conservation Area and Area of Archaeological Potential which must be considered under prevailing planning policy.

As well as the provisions of the area plan, the overall development will be considered under normal planning and environmental considerations taking account responses from consultees and additional information provided.

6.5 Regional Development Strategy (RDS)

RG8 of the RDS aims to manage housing growth to achieve sustainable development patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The proposed development is within the settlement limit and the land use is acceptable in principle.

6.6 Strategic Planning Policy Statement (SPPS)

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making, while preserving and improving the built and natural environment.

The application site is within the Newry Conservation Area, paragraph 6.29 of the SPPS states that these are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Paragraphs 6.18-6.20 specifies how development proposals in Conservation Area such as this should be considered. Paragraph 6.18 puts an onus firmly on the Planning Authority in managing development within a Conservation Area, to enhance the character of a Conservation Area or to preserve its character or appearance where an opportunity to enhance does not arise. There is a general presumption against the grant of planning permission for development in the Conservation Area which conflict with this principle. This should only be relaxed for matters in the public interest. Paragraph 6.19 of the SPPS requires that development proposal should amongst other things be sympathetic to the characteristic built form of the area, respect the characteristics of adjoining buildings by way of its scale, form, materials and detailing; and conform with the guidance set out in Conservation Area guidance. The Planning Authority considers that by virtue of the amendments to the original scheme, outlined below, the application does not comply with the SPPS in that its form and design will not preserve or enhance the character of the Conservation Area.

SPPS and PPS6 (BH4, BH10, BH11, BH12 and BH14)

The SPPS and PPS6 provide the relevant planning policies for the protection and conservation of archaeological remains and features of the built heritage

and embodies the commitment to sustainable development and environmental stewardship.

SPPS and PPS6 (BH4 - Archaeology)

The SPPS and PPS6 outline relevant policy for the protection and identification of archaeological artefacts and impact of development.

Historic Monuments in their consultation response dated 22.11.18 advise that they are content that proposals satisfy the requirements of the SPPS and PPS 6.

SPPS and PPS 6 (BH11 – Listed Buildings)

Development will not normally be permitted which would adversely affect the setting of a listed building. Proposals will only be considered appropriate provided all relevant criteria has been met.

Historic Environment Division as the statutory body responsible for listed buildings. In their consultation responses dated 09.01.20 and 26.11.19 have considered the impacts of the proposals upon the listed buildings and are satisfied that the proposals meet the requirements of the SPPS and BH11 of PPS6.

SPPS and PPS6 (Conservation Areas: BH12 – New Development and BH14 – Demolition, regard given to the criteria of BH10 - Demolition of Listed Building as per paragraph 7.17 of BH14)

The policy provisions of the SPPS, BH12 and BH 14 outline that development will only be permitted when all criteria is met. There is a presumption in favour of retaining the building and demolition is only permitted in exceptional circumstances.

The existing building to be replaced occupies a prominent position located SE of the junction of New Street and Canal Street located on one of main thoroughfares of Newry City.

The New Street elevation comprises of a single storey, rear annex to the original part of the public house and in its own right, makes little contribution to the Conservation Area in terms of its visual appearance. Whilst in contrast the Canal Street elevation and main body of the existing development, with its half-timbered building is distinctive within the Conservation Area. It provides character and retaining architectural merit with its two-storey form, traditional pitched roof, chimneys on the ridge, vertical window and door openings (despite some loss of detail at ground floor level) but overall has the appearance of a terraced row of former dwellings making a material contribution to the character and appearance of the area.

Whilst the area has a mix of two and three storey form, there appear to be more two storey buildings in the immediate vicinity of site. The proposed development will replace the original two-storey building with a three-storey apartment development (albeit a small portion is two storey) which will sit higher than the ridge line of the original building. The overall scale, form, massing, materials and detailing are completely at odds with the original building and adjacent properties. The development will appear dominant and overbearing within the street scheme detracting from the character and setting of the Conservation Area. Overall proposals are not sympathetic to the characteristic built form, the scale, form, materials and detailing have not been sensitively designed to take account of the existing setting.

This position was originally set out by the Planning Authority in correspondence with the agent on the 26.06.19 advised that whilst the land use is acceptable in principle, however proposals were unacceptable due to its scale, mass, design, materials and impact upon the Conservation Area.

Amended plans were submitted in July 2019 showing some external changes and included incurtilage onsite parking/servicing. As these amendments remained unacceptable a meeting was requested with the agent.

A meeting was held on the 27th August 2019 where it was explained that the original scheme as well as the revision remained unacceptable. A fundamental re-think of the design was required. A structural report was also requested to justify the need for demolition.

Amended plans were submitted 29th October 2019 however these have not given regard to the distinctive form of the original building nor incorporated elements of the original into the proposed design. Despite correspondence and a meeting with the agent to advise of concerns there has been little change in terms of the layout with only the external façade appearing altered.

A structural engineers report was also submitted following a request from the Planning Authority on the 30th September 2019. The report advises that there has been 'water ingress due to missing slates', 'supporting beams are not performing adequately' and 'structural elements in the 2-storey section are not performing satisfactorily concluding that the 'original structure has been altered to such an extent that its stability has been compromised'. It then concludes that 'remediation of the building is not feasible and that it should be demolished in its entirety'.

The structural report does not categorically state that the building is structural unstable, unsafe and/ or at risk of collapse should any remedial works be undertaken. The suggestion that structural beams are not performing satisfactorily indicates there is some level of performance nonetheless. Nor has there been any known dangerous notice served upon the property by the

Council. Whilst it was concluded that remediation of the building is not feasible, no evidence of the repair, renovation or replacement costings has been provided to back this statement. Nor has it been adequately demonstrated that part, improvements to or all of the building could be preserved and enhanced to facilitate development proposals.

Whilst the Planning Authority acknowledge that the rear annex of the building makes little contribution to the Conservation Area. Notwithstanding this, little regard has been given to the predominance of continued 2 storey form adjacent and stretching along New Street. But also, no regard has been given to the front façade on Canal Street and the important contribution this elevation makes within the Conservation Area, with no attempt made to preserve the original or incorporate this into design proposals.

The Planning Authority do not accept the justification for demolition from the information provided. The design and layout of the development has changed little from the original submission apart from changes to the exterior but overall development does not take account of its location within the Conservation Area, the original form or that of the adjacent buildings. There has no attempt to preserve the original building, had there been justifiable reason to replace the building no opportunity has been taken to reflect the original style and form to enhance the character and appearance within the Conservation Area.

The proposed design, finishes and materials used have not taken account of or conform to Newry Conservation Area guidance. New development should not dominate or be unrelated to the existing street pattern as well as local built form and eaves should line through with the adjacent properties. The use of box dormers and entrance pillars are unacceptable as well as zinc finishes, ppc finished eaves, render stops and hw windows to name but a few are not appropriate conservation materials.

Planning Policy directs a presumption in favour towards the retention of buildings within the Conservation Area. The Planning Authority will not permit demolition unless there are exceptional reasons to do so, this has not been adequately demonstrated by the applicant/ agent. Despite concerns raised with proposals and opportunity given to address this within the planning process. The redevelopment proposals remain unacceptable in terms of overall scale, mass, form, detailing, materials and design appearing dominant and overbearing within the street scheme, and thus will have an adverse visual impact upon the locality and Conservation Area.

Proposals do not fulfil the requirements of the SPPS and PPS6, BH12 (criteria a, b, c, e and g criteria) and BH14. BH10 has also been taken into account.

6.6 SPPS, PPS12 (PCP1, PCP2, PCP 3 and HS4), PPS7 (QD1), PPS7 (Addendum) Safeguarding Established Residential Areas, PSRNI (DES 4), Creating Places, DCAN 8 and DCAN 11 PPS3, Parking Standards and DCAN15:

The above planning policy and guidance sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3 of the SPPS)

It is considered that proposals are contrary to the principles set out within these documents for the reasons set out below.

SPPS, PSRNI (DES2), PPS 7- Quality Residential Environments, Policy QD1

Policy QD 1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

QD1 goes on to specify that within Conservation Areas, housing proposals will be required to maintain or enhance their distinctive character and appearance. This is modified by the subsequent and overarching SPPS which requires that the schemes must enhance the character and appearance of the conservation area where there is opportunity to do so (as in the case where the site is vacant and not constrained by the need to reuse existing buildings)

In this context the proposal is also considered to not be in accordance with policy DES 2 of the Planning Strategy for Rural Northern Ireland which required that new development proposals should 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.

It is considered that the proposal fails to comply with SPPS, Policy QD1 of PPS 7 and Policy DES2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that it does not create a quality and sustainable residential environment. It is also considered that it would result in unacceptable damage to the local character environmental quality of the established residential area. In particular the proposal is contrary to criteria A, B, C, F, G and H of Policy QD1 in that:

QD1, A – Nature and Context of the Proposed Development.

The surrounding context comprises of a mix of two and three storey properties facilitating a mix of residential and commercial use. Within the immediate vicinity of the site there appears to be more two storey buildings with low roof pitches which is characteristic of neighbouring development. Development to either side fronting onto New Street and Canal Street comprises of continuous terrace development with units broken up by variation in painted fronts and the arrangements of window and door openings. There is no variation in elevational or roof pitch treatments. Buildings front onto the road with no formal gardens, are simple in design and display traditional form with pitched roofs, painted render finishes, chimneys on the ridge and vertically proportioned window and door openings.

The proposed development in contrast will insert a new three storey building (small portion two storey) onto a prominent corner site which is higher than the original ridgeline (1.3m higher) and sits above the eaves level of adjacent buildings which will appear dominant detracting from the established pattern and balance of existing buildings displayed at this location. The development will also introduce variation in roof pitches, elevations, painted finishes, zinc finishes, pillars and pvc windows which are not respectful to the existing scale of neighbouring buildings, nor has regard to the materials and detailing of the Conservation Area and is therefore out of keeping and not appropriate to the character of this locality.

Proposals are contrary to criteria A of QD1.

QD1, B – Features of Archaeology, Built Heritage and Landscape Features

Application site is located within an Area of Archaeological Potential, Conservation Area and within the vicinity of Listed Buildings.

Historic Monuments in their consultation response dated 22.11.18 are content subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Historic Buildings in their consultation response dated 09.01.20 advise that proposals satisfies paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building)

Despite comments from HED Buildings and Monuments, proposals will adversely impact upon the setting and appearance of the Conservation Area for the reasons set out above. Furthermore, the original building has not been afforded protection within the Conservation Area or suitably integrated into a design and layout that is appropriate for its location.

Proposals are therefore contrary to criteria B of QD1.

QD1, C – Adequate provision for public and private open space

Communal private open space area is situated to the rear of the property comprising approximately 78 sqm of ground which equates to 5.9 sqm per unit. Creating Places (paragraph 5.20) recommend a minimum space standard of 10sqm per unit to around 30sqm per unit. The open space provision for the 13 apartments should range between 130 sqm and 390 sqm for the entire development. Current proposals are about half of what is required as a minimum standard. This is well below recommended standards and the inability to provide adequate open space is also an indication of the over development of at the site.

Proposals fail against the criteria C of QD1.

QD1, D –Local Neighbour Facilities

Whilst there is no provision within the proposed development for local neighbourhood facilities there are a wide range of community facilities within the locality. Criteria D of QD1 not applicable.

QD1, E – Movement Pattern supporting walking and cycling

The site is located within Newry City Centre and is well placed in terms of pedestrian, cycling and public transport links well placed within Newry city centre with adequate access to pedestrian, cycling and public transport facilities which will encourage sustainable methods of movement. Adheres to criteria E of QD1.

QD1, F - Adequate and appropriate provision is made for parking

Current proposals have no car parking or servicing arrangements for the site. The development consists of 13 apartments (11 x 2 bed and 2 x 1 bed apartments) and taking account parking standards guidance the development requires 19 (unassigned) or 23 (assigned) car parking spaces. This development fails to provide any parking for the development and the inability to provide such can be an indication of the over development of a site. Proposals fail against Criteria F of QD1.

QD1, G - Design of the development draws upon the best local traditions of form, materials and detailing;

The design of the development has not drawn upon the best of local form nor taken account of its location within the Conservation Area in terms of its

overall scale, mass, design and materials (this has been outlined above in further detail).

Proposals are contrary to criteria G of QD1.

QD1, H - Impact to Amenity

Due to the arrangement of the development there is no direct overlooking into neighbouring properties. However, given the overall size and mass of the development future occupants may experience overshadowing and impact to daylight as well as some overlooking between units this is particularly problematic to the rear of the property and therefore impacting upon amenity.

Proposals do not fully comply with criteria H of QD1.

QD1, I – Prevention of Crime and Promotion of Personal Safety

All units within the layout will overlook areas of public use allowing for informal surveillance with the aim of enhancing public safety. Complies with criteria I of QD1.

PPS7 (Addendum) Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity

Proposals fail to meet the minimum standards for apartment sizes, open space and parking thus indicating that the proposed development is an overdevelopment of the site. The overall size, scale, design, layout and use of external materials are out of keeping with the character and setting of the Conservation Area as well as detracting from the established residential character.

Overall proposals fail to adhere to all the criteria of LC1.

PPS 12- Housing in Settlements

Planning Control Principle 1 - Increased Housing Density without Town Cramming

The site is located within the city centre surrounded by a mix of residential, commercial properties including apartments. The Planning Authority have no objection in principle to the land use proposed. However, the inability to achieve or indeed provide minimum standards of car parking, private open space, adequately sized apartment units and will sit higher than the eaves line of buildings to either side highlight that the scale of the development is excessive and not appropriate for the site resulting in overdevelopment. The overall scale, mass, design and finishes will have a detriment impact upon the

locality and Conservation Area with no exceptional circumstances demonstrated to allow such development at this location.

Fails against PCP 1 of PPS12.

Planning Control Principle 2- Good design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 above.

Fails to conform with PCP 2 of PPS12.

Planning Control Principle 3- Sustainable forms of development.

While the site is within the settlement limit, the development would harm the character of the immediate area therefore it is not considered to be a sustainable form of development.

Does not fully meet PCP3.

HS2 – Social Housing

The site has not been zoned within the area plan for social housing. The agent in their design and access statement indicate that the development has been designed for the elderly and envisage that the completed building will be run by a housing association. However, no letter of intent from a social housing provider or housing executive has been submitted and no demonstrable need has been identified for such proposals.

HS4 – House Types and Sizes

Whilst the development offers a range of apartment sizes these are below the recommended minimum size standards.

Policy DES 2 of PSRNI

Whilst there is no objection in principle to a residential land use, it is the totality of the scheme in terms of layout, scale, form, design, materials and finishes which will also impact on residential amenity. Proposals will adversely detract for the appearance of the Conservation Area, local character and visual aspect that proposals are deemed unacceptable and will have adverse impact to the area. The proposal fails to comply with DES 2 of PSRNI.

Sewerage Facilities

The applicant proposes to connect to the mains. NIW in comments dated 19.08.19 advises that there is public water sewer, foul sewer and surface water sewer within 20m of the site as well as capacity at the WWTW.

SPPS and PPS15: Flooding and Drainage

Rivers Agency in comments dated 08.06.20 advise that the site lies outside the 1:100 year flood area and cannot sustain a reason to object. Policies FLD2 and FLD4 are not applicable. FLD 5 is satisfied as Camlough Reservoir has been condition assured and FLD 3 has now been satisfied.

6.6 SPPS, PPS3 (AMP7), DCAN 8 and Parking Standards

The SPPS and PPS3 set out the planning policy for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking, with related guidance setting out the standards for prospective developers.

AMP 7 specifically advises that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. Car parking will be determined according to the specific characteristics of the development and having regard to its location.

Correspondence from the agent advised that the design and layout without in-curtilage parking was formed by the existing character of the streetscape and that the original public house had no in-curtilage parking. He further added that the site was also within a short distance of on-street and public car parks.

Despite justification the agent during the course of revisions was able to demonstrate that some onsite/ servicing arrangements to the rear of the property could be provided. Which would be beneficial to proposed occupants and didn't appear to impact upon the setting of the Conservation Area.

Given the accessible location of the development some reduction in the level of provision of carparking/ servicing could be justifiable. However, the complete removal of this provision to accommodate built development is unacceptable when some provision could be offered. No transport assessment or exceptional circumstances have been demonstrated for total lack of provision.

Proposals do not fully meet the requirements of AMP7.

7.0. Recommendation

The Planning Authority corresponded with the agent in June 2019 advising that the land use is acceptable in principle, however proposals are unacceptable due to its scale, mass, design, materials and impact upon the Conservation Area. Amended plans were received in July 2019 these amendments remained unacceptable and a meeting was held with the agent/ applicant in August 2019 where it was explained that the original scheme as well as the revision remained unacceptable and structural report was required to justify demolition. Whilst further amended plans were received October 2019 with some change to the external appearance the overall development remains relatively unchanged in terms of the site layout, number of units, scale and mass from the original submission.

The Planning Authority has been unable to secure an appropriate scheme that will enhance the character and setting of Newry Conservation Area despite revisions submitted. In light of all relevant material considerations, the proposal on balance does not meet with the prevailing planning policy for the reasons set out. On this basis it is recommended to refuse the application.

Recommendation: Refusal

7.1. Reasons:

1. The proposal is contrary to the SPPS and Policy BH12 of Planning Policy 6: Planning, Archaeology and Built Heritage in that the site lies within the Newry Conservation Area and that the development would if permitted detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area and its scale, form, materials and detailing do not respect the character of the adjoining buildings and development does not conform with guidance set out in the Newry Conservation Area .
2. The proposal is contrary to the SPPS and Policies BH14 and BH10 of Planning Policy 6: Planning, Archaeology and The Built Heritage in that the building makes a material contribution to the character and appearance of Newry Conservation Area and no exceptional reason has been demonstrated to justify demolition.
3. The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, C, F, G and H) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Planning and Planning Control Principles 1, 2, 3 and HS4 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:

- The development does not respect the surrounding context and is not appropriate to the character of the site in terms of layout, scale, massing, proportions and appearance of buildings areas;
 - The development does not respect features of built heritage failing to protect and integrate into an acceptable design and layout of the development;
 - Inadequate provision has been made for private open space;
 - No provision has been made for car parking;
 - The design of the development does not draw upon the best local traditions of form and detailing;
 - The design and layout will be dominant and have an overbearing impact within the locality, the design and layout will create conflict with proposed properties in terms of overlooking, loss of light and overshadowing.
 - Development will contribute to an overdevelopment of the site resulting in a detrimental impact to the local character, environmental quality and amenity and no exceptional circumstances have been outlined to permit development.
4. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its adverse effect on the amenity of proposed properties and its scale, layout and design are out of character with the area as well as its relationship to adjoining buildings and views.
5. The proposal is contrary to Policy LC1 of PPS7 (Addendum) Safeguarding the Character of Established Residential Areas in that the applicant has failed to demonstrate that all of the criteria set out in Policy QD1 of PPS7: Quality Residential Environments has been met and fails to meet all additional criteria (A-C) of Policy LC1.
6. The proposal is contrary to Policy AMP 7 of Planning Policy Statement 3, Development Control: Roads Considerations, in the applicant has failed to demonstrate adequate provision for carparking and appropriate servicing arrangements and no exceptional circumstance exist to permit development.

Case Officer Signature: Patricia Manley

Date:

Appointed Officer Signature: David Fitzsimon

Date: 18 May 2021

**Proposed 13no. Apartment Development at Nos 29-31 Canal Street, Newry – LA07/2018/1650/F
(& Demolition of Nos 29-31 Canal Street Newry – LA07/2018/1672/DCA)**

Presented by:

Agent : Peter Byrne BSc DAAS RIBA MRIAI – MacRae Hanlon Spence Chartered Architects

Applicant : Damien Rafferty – CSP (Newry) Ltd.

We, the Applicants team, feel that the Professional Planning Officers Report does not reflect the substance and tenor of the meetings held between the Planners, the Agent and the Applicant and that the proposed refusal appears to be at variance with the various Consultee's opinions.

We deem that the Planners interpretation of policy has been too harsh and that the Committee should be given the opportunity to consider this case

The Proposed Decision is to refuse both applications

Planners cite :

Existing Building – Planners appear to prefer retention of existing 1.5 storey 'olde-tudor' bar with a flat roof extension along New Street. The applied cosmetic half-timbering is not in any way indigenous to Co.Down or Ireland for that matter. It is pastiche and has no architectural merit whatsoever. The New Street Elevation is even worse with a poor attempt to replicate the 'half timbering' onto a flat roofed building. The gable at the Canal Street / New Street junction is obscured by an advertising hoarding. This is not an appropriate design or structure for a prominent site. The building has been greatly modified internally and extended to provide a large bar area. Very little of the existing structure survives with only the front wall (modified), pitched roof, gable (obscured) and first floor layout partially retained. The ground floor has been extensively remodelled over the past century with steel framing and as a result very little of the original ground floor structure remains. Only 27.8% of the building footprint is covered by the original building. The remaining 72.2% of the building footprint is single storey open plan modern steel framed structure. PW Design (Consulting Engineers) has indicated that the structure of the older part of the building is substandard. The building is totally unsuited for conversion to residential use. The Plan is very deep and dark with changes in floor level. It is unclear what, if any, future use the structure may have.

Mass of building – HED do not seem to have a problem with this. They welcomed the revised proposals. The site is a 'landmark' site. The current proposal is for a 2.5 / 2 storey development which is surrounded by a number of properties of a similar scale. The existing building is out of scale and of an inappropriate design at this junction. It is good architectural practice to increase the scale of a development at a corner to form a stop end to a terrace. The surrounding structures near the road junction are a mixture of heights including 2, 2.5, 3 & 3.5 storeys and have a very wide variety of styles materials and details. Canal Street in particular has a wide variety of building heights materials and styles. Our proposal which is 2.5 storey at the corner rises from 2-storeys along both Canal Street and New Street and seeks to replicate the simple pitched roof forms common to most local structures. The gable and corner have been modelled to avoid blank gables (as existing) when turning a corner. Our design has been broken up visually and fenestrated to reduce scale and avoid monolithic forms. Decorative chimneys are indicated along the ridgeline.

Protecting Local Character – Planners state that the proposed building form / external materials / design / layout does not respect local character (ref:PPS7) having defined these in paragraph 1.2 of their report. (simple pitched roofs, painted render walls chimneys on the ridge and vertically proportioned windows). The proposal complies with all of these although the Planning officer makes reference to ‘no variation in elevational treatment’. This is inaccurate. There is great variation in elevational treatment and building heights along Canal Street.

Apartment Size - The Planning Officers Report (ref:HS4 & PPS7) erroneously states that the accommodation is substandard. The scheme is fully compliant DfC & HA Design Guide area bands and LT Standards and incorporates a wheelchair lift. All apartments either fall within (or exceed) the appropriate area band eg 60-65 sq. m for a 3P2B apartment. DfC are very proscriptive in this respect.

Lack of carparking – At our meeting with the Planners, regarding the original scheme and due to its central location, DfL Roads Development Control requested removal of all proposed parking, – DfL Roads Transport Consultation response dated 13/11/2019 (Jason Killen). This was duly done and amended drawings submitted. The Planners (ref:QD1,F) have cited ‘full or partial parking standards’ for this City Centre, Category 1 Elderly scheme, after DfL Roads had requested their removal.

Amenity Space – The Planning Officers Report (ref:QD1,C) cites an amenity area requirement of between 130-390 sq. m for the development and claims that approx. 78sq m is provided. This is totally wrong. The amenity area is approx. 156 sq. m (excluding cycle storage and bins area). The author of the report must have mismeasured the area.

Impact to Amenity – The Planners state that the scheme will cause overshadowing and in particular at the rear (ref:QD1,H). This is not the case. The building will cast shadow primarily over the Canal St / New Street junction which is directly north of the structure. The small communal garden is sited to the south to act as a ‘sun trap’.

Materials – HED appear very happy with the materials as specified on the revised scheme. (DfC response dated 09/01/2019). The Planners concern regarding the use of zinc for cladding can be easily overcome by substituting it with lead, with similar detailing, which is very traditional. Planning report refers to ‘PPC fascias (sic), render stops and hardwood windows’ as being unacceptable. The drawings have been misread. The drawings clearly state that the windows are to be HW painted and the fascias are timber painted as per HED recommendation. The roof finish is slate. The reference to render stops is puzzling. The rainwater goods are to be cast aluminium heritage style such as Alumasc with a PPC (baked on paint finish) as is good conservation practice. We have applied all the HED required conditions and the proposed materials and details reflect those of the immediate locality

Social Housing - Planners have stated in their report (ref:HS2)that no evidence was provided to establish a social housing end-use. No evidence was requested. The scheme was designed to full Housing Association ‘Category 1 Elderly’ design standards and areas in conjunction with Choice Housing Association. The scheme was included in the South Down Housing programme circa. 2018.

Peter G Byrne BSc DAAS RIBA MRIAI



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2018/1672/DCA

Date Received: 29.10.18

Proposal: Demolition of existing public house and construction of new residential development.

Location: 29-31 Canal Street Newry BT35 6JB

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1. The site comprises of a former public house which is located within the Conservation Area of Newry City situated to the SE of the junction of Canal Street and New Street.
- 1.2. The surrounding context comprises of two and three storey properties facilitating a mix of residential and commercial use. Within the immediate vicinity of the site there are more two storey buildings with low roof pitches which is characteristic of neighbouring development. Development to either side of the site, fronting onto New Street and Canal Street comprises of continuous terrace development with units broken up by variation in painted fronts and the arrangements of window and door openings. There is no variation in elevational or roof pitch treatments. Buildings front onto the road with no formal gardens, are simple in design and display traditional form with pitched roofs, painted render finishes, chimneys on the ridge and vertically proportioned window and door openings.

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

2.0. SITE HISTORY:

LA07/2018/1121/PAD – 14 Apartments. Concluded. (Application site)

P/2007/0879/O – Replacement with mixed development, underground car park, shop and office at ground floor and apartments over. Refusal. (Application site)

P/1998/1129/F – Extension/ alteration to PH to provide bedroom accommodation. Approval. (Application site)

P/1991/1204/F – Extension/ Alterations to PH. Approval.

P/1981/0485/ - COU dwelling to extension to PH. Approval.

3.0. PLANNING POLICY CONSIDERATIONS

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS 6: Planning, Archaeology and the Built Heritage
- Newry Conservation Booklet

4.0. STATUTORY CONSULTATIONS.

- 4.1** HED Historic Buildings has considered under LA07 2018 1650 F. Please see associated response uploaded 23.11.18.

5.0. OBJECTIONS & REPRESENTATIONS.

20 Neighbours notified

No objections received

Advertised 11/18

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1.** The application is for the demolition of the existing public house which fronts onto Canal Street along with the side/rear annex to New Street, which will be replaced by 13 no. apartments
- 6.2.** The Planning Authority has carefully assessed the proposal in the context of the prevailing planning policy. The main issues to be considered are the principle of demolition and its impact upon Newry Conservation Area.

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

The site is located within the settlement limit and city limits of Newry City and the designated Newry Conservation Area. Whilst there is provision for residential development within an urban context this is determined by proposals being in full compliance with relevant planning policy and guidance. Further consideration of this is outlined below.

6.4 Banbridge/ Newry and Mourne Area Plan: Conservation Area, Area of Archaeological Potential within the City Centre and Development Limits of Newry City.

The site is located within the development limit and city centre limits which is designed to encompass concentrations of development within an urban setting including residential development. The land use for residential purpose is in keeping with the objectives of the area plan and is not at conflict with it.

The site is also located within a Conservation Area and Area of Archaeological Potential which must be considered under prevailing planning policy. This is further assessed below.

6.5 Strategic Planning Policy Statement (SPPS)

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making, while preserving and improving the built and natural environment.

The application site is within the Newry Conservation Area, paragraph 6.29 of the SPPS states that these are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Paragraphs 6.18-6.20 specifies how development proposals in Conservation Area such as this should be considered. Paragraph 6.18 puts an onus firmly on the Planning Authority in managing development within a Conservation Area, to enhance the character of a Conservation Area or to preserve its character or appearance where an opportunity to enhance does not arise. There is a general presumption against the grant of planning permission for development or conservation area consent for demolition in the Conservation Area which conflicts with this principle.

SPPS and PPS6 (BH10 and BH14)

The SPPS and PPS6 provide the relevant planning policies for the protection and conservation of built heritage and embodies the commitment to sustainable development and environmental stewardship.

SPPS and PPS6 (Conservation Areas: BH14 – Demolition, regard given to the criteria of BH10 - Demolition of Listed Building as per paragraph 7.17 of BH14)

The existing building to be replaced occupies a prominent position located SE of the junction of New Street and Canal Street located on one of main thoroughfares of Newry City.

The New Street elevation comprises of a single storey, rear annex to the original part of the public house and in its own right makes little contribution to the Conservation Area in terms of its visual appearance. Whilst in contrast the Canal Street elevation and main body of the existing development, with its half-timbered building is distinctive within the Conservation Area. It provides character and retains architectural merit making a material contribution to the character and appearance of the area.

A structural engineers report was submitted following a request from the Planning Authority on the 30th September 2019. The report advises that there has been 'water ingress due to missing slates', 'supporting beams are not performing adequately' and 'structural elements in the 2-storey section are not performing satisfactorily concluding that the 'original structure has been altered to such an extent that its stability has been compromised'. It then concludes that 'remediation of the building is not feasible and that it should be demolished in its entirety'.

The structural report does not categorically state that the building is structural unstable, unsafe and/ or at risk of collapse should any remedial works be undertaken. The suggestion that structural beams are not performing satisfactorily indicates there is some level of performance nonetheless. There has been no known dangerous notice served upon the property by the Council. Whilst it was concluded that remediation of the building is not feasible, no evidence of the repair, renovation or replacement costings has been provided to back this statement. Nor has it been adequately demonstrated that part, improvements to or all of the building could be preserved and enhanced to facilitate development proposals.

Whilst the Planning Authority acknowledge that the rear annex of the building makes little contribution to the Conservation Area. Notwithstanding this, little regard has been given to the material contribution that the main part of the building makes to the Conservation Area with no attempt made to preserve the original or incorporate this into design proposals. The Planning Authority do not accept the justification for demolition from the information provided.

Planning policy directs a presumption in favour towards the retention of buildings within the Conservation Area. The Planning Authority will not permit demolition unless there are exceptional reasons to do so, this has not been adequately demonstrated by the applicant/ agent. Despite concerns raised with proposals and opportunity given to address this within the planning process. The redevelopment proposals remain unacceptable and no exceptional reasons set out to permit its demolition within the Conservation Area.

Proposals do not fulfil the requirements of the SPPS and PPS6, BH14, BH10 has also been taken into account.

7.0 Recommendation

Overall proposals are unacceptable for the reasons set out above and it is therefore recommended to refuse the application.

Recommendation: Refusal

Reasons:

1. The proposal is contrary to the SPPS and Policies BH14 and BH10 of Planning Policy 6: Planning, Archaeology and The Built Heritage in that the building makes a material contribution to the character and appearance of Newry Conservation Area and no exceptional reason has been demonstrated to justify demolition.

Case Officer: Patricia Manley

Date:

Authorised Officer: David Fitzsimon

Date: 18 May 2021

Demolition of Nos 29-31 Canal Street Newry – LA07/2018/1672/DCA

Presented by:

Agent : Peter Byrne BSc DAAS RIBA MRIAI – MacRae Hanlon Spence Chartered Architects

Applicant : Damien Rafferty – CSP (Newry) Ltd.

We, the Applicants team, feel that the Professional Planning Officers Report does not reflect the substance and tenor of the meetings held between the Planners, the Agent and the Applicant and that the proposed refusal appears to be at variance with the various Consultee's opinions.

We deem that the Planners interpretation of policy has been too harsh and that the Committee should be given the opportunity to consider this case

The Proposed Decision is to refuse the application

Planners cite :

Existing Building – Planners appear to prefer retention of existing 1.5 storey 'olde-tudor' bar with a flat roof extension along New Street. The applied cosmetic half-timbering is not in any way indigenous to Co.Down or Ireland for that matter. It is elevational pastiche and has no architectural merit whatsoever. The New Street Elevation is of even lesser value with a poor attempt to replicate the 'half timbering' onto the wall of a flat roofed building and an add-on timber smoking area.

This is not an appropriate design, structure or scale for such a prominent site. The building has been greatly modified internally and extended to provide a large bar area. Very little of the existing structure survives with only the front wall (modified), pitched roof, gable (obscured) and the first floor layout partially retained. The ground floor has been extensively remodelled over the past century with steel framing and as a result very little of the original ground floor structure remains. Only 27.8% of the building footprint is covered by the original building. The remaining 72.2% of the building footprint is single storey open plan modern steel framed structure which itself covers almost 100% of the ground floor area. PW Design (Consulting Engineers) has indicated that the structure of the older part of the building is substandard. The building is totally unsuited for conversion to residential use. The Plan is very deep and dark with changes in floor level. It is unclear what, if any, future use the structure may have.

The existing building is out of scale and of an inappropriate design at this junction. It is good architectural practice to increase the scale of a development at a corner to form a stop end to a terrace. A freestanding gable still exists to the northern gable end of the property. It is obviously the remains of an adjoining building demolished to create the new road junction at New Street. Nos.29-31 Canal Street was never intended as a building forming part of an important corner. It was a mid-terrace building of no significance which found itself located on a corner site by default. The gable at the Canal Street / New Street junction was obscured by an advertising hoarding which was removed just recently. The corner now looks much worse than it did before the removal of the billboard.

Materials – The external walls of the existing building are render painted and the simply pitched roof is slate with chimneys along the ridge-line. Windows are timber-framed and painted. The proposed replacement building is finished externally in the same manner

The condition of the building is poor, both internally and externally. When first surveyed over 3no. years ago the first floor was in a very poor condition with water ingress etc. Ceilings had partially collapsed. The ground floor bar / dance area was still in a reasonable state. In the 3no. years that it has taken to process this application the vacant building has deteriorated rapidly. Slates have had to be stripped off the roof as these were falling onto Canal Street and creating a risk for pedestrians. Consequently the ground floor of the property has deteriorated rapidly over recent months.

Potential for conversion – There does not appear to be any obvious potential for conversion. The plan form is too deep (and dark) for residential use. The ceiling heights (1st floor & part of the ground floor) are too low by modern standards and there are few windows, particularly at ground floor level, for conversion to retail or office use etc.

The integrity of the structure of the old part of the building is questionable. The bulk of the old building that remains is primarily at first floor level. The ground floor structure has been partly removed leaving only the front wall and gable to the corner (a remnant from a previous adjoining building which was left up to support the roof and to avoid the collapse of the bar). The ground floor of the old building is now a maze of steel beams and isolated columns / piers. PW Design (Consulting Engineers) concluded in their report that the standard of the old structure was poor and that the new steel structure over the entire ground floor could not be determined accurately.

Our opinion is that the structure should be demolished in its entirety and the site redeveloped.

Peter G Byrne BSc DAAS RIBA MRIAI



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0358/O

Date Received: 22/02/2021

Proposal: Proposed erection of outline rural detached infill dwelling house and detached domestic garage.

Location: Located approximately 50 metres south east of no. 91 Maphoner, Mullaghbawn

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site does lie within an Area of Outstanding Natural Beauty.

The site is an area of land located on the edge of the public road, the site slopes down to the east. To the east of the site in No 52c a detached dwelling with a garage to the side which is located closer to the public road, beyond this property is No 52 which is again a detached property and is set back from the public road although its garden area extends to the public road. On the other side of the site to the west is a hardcore access that leads to a building set back from the public road with a field / paddock area between the road and the building.

Although located in a rural area there are a number of properties and other buildings in the vicinity of the site.

Site History:

LA07/2018/1463/F - Lands approximately 30 metres North West of No 52 Mill Road, Mullaghbawn - Proposed erection of a Replacement Dwelling House and Single Storey Detached Garage, ancillary site works and landscaping – Permission Granted (Constructed No 52c).

No history of the constructed hardcore access lane or the building it provides access with annotated B01 on the submitted plan.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections, conditions suggested.

NI Water - Generic response.

Objections & Representations:

The application was advertised on 09/03/2021, four (4) neighbours were notified on 03/03/2021, no objections or representations have been received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for gap site which is accordance with policy CTY8.

Principle of Development

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site has to the east No's 52c and 52 which are considered to have a frontage with the road, to the other side of the site is the access lane leading to a building set back from the road with a field / paddock between the public road and the building in question. The building is not considered to have a frontage with the public road, the agent was advised of this and given the opportunity to submit additional information.

The agent stated in their information that the building in question annotated B01 is a commercial building that has been in place for some time. The agent states that the area between the building and the public road is an ancillary area and is significant to the operations of the building in terms of service access and storage area. At the time of inspection this area of land had the appearance of a field / paddock and not an area used for storage in connection with a commercial building.

The agent argues that the building has a frontage and also that the access to the road results in the building having a frontage, the agent refers to a number of previous applications in the Council area that they feel are relevant to this application, I will provide brief comment on these applications.

LA07/2020/0989/F – The development set back from the public road was not considered to have a frontage to the road, approval was granted as an outbuilding within a plot adjacent to the site was considered to have a frontage.

LA07/2019/0008/F – Application recommended for refusal, committee approved the application as the laneway leading to adjacent development was considered to be of such a significant size that it was deemed to have a frontage.

LA07/2020/1033/F – This application was approved on the grounds that the adjacent buildings had a frontage onto the laneway and not that the laneway had a frontage to the main public road.

LA07/2020/1622/F – This application was approved on the grounds that the adjacent development had a frontage to the lane given that garden areas abut the lane, the development was not considered to have a frontage to the main public road.

LA07/2019/1449/F – This application was recommended for refusal, approval was granted by the committee.

Having considered the examples submitted by the agent this does not alter the view that the building does not have a frontage with the public road given its location set back from the road with only a narrow hardcore access leading to the building. The agent has stated that the commercial building has been in place for some time and also that the access has been in place for a period of time. Although the building has been in place there is no record of any planning approval and so the building would not have the benefit of planning and even if the building has been in place for more than 5 years planning approval would be required to allow it to be considered as part of an infill application. It would also appear that the building was previously accessed directly from No 89 with the hardcore access a recent addition, again this access has no planning approval given that this would be required to access a commercial building. The agent also states that the area between the building and road is used in connection with the commercial building, this would again require planning approval as this would be a change of use of the land.

The building to the west of the application site is not considered to have a frontage to the public road and also the hardcore access and commercial building as referenced by the agent do not have the benefit of planning approval.

As such, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would create a ribbon of development.

The proposal is not considered an exception to policy but is contrary to CTY8, as there are no reasons why the development is essential in this rural location and does not meet any exceptions it is contrary to CTY1.

Design, Appearance and Layout

The proposal is for outline planning permission and so specific details have not been provided regarding the design, appearance and layout of any scheme although an indicative layout was submitted. If it was considered that the proposal met all relevant policy requirements then conditions could be included on any approval to ensure the design, appearance and layout of any scheme were acceptable.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. In terms of CTY13 the proposal will be critically viewed from the public road in both directions and so would be considered prominent. The site is unable to provide a suitable degree of enclosure with any existing vegetation providing little screening and as a result the proposal relies primarily on the use of new landscaping to enable the dwelling to integrate into the landscape and as a result, the proposal is contrary to CTY13 (parts a, b and c).

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. As previously stated the site will be critically viewed and so any new dwelling on the site will be prominent in the landscape. Given that the proposal is not considered as an infill opportunity it will create a ribbon of development along Maphoner Road, this will therefore result in a suburban style build-up when viewed with existing buildings. The proposal is considered contrary to parts (a), (b) and (d) of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location in the Ring of Gullion AONB. The siting (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal although conditions have been suggested, a detailed access plan would be required for approval at reserved matters or full application stage.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Maphoner Road and does not represent an exception of policy.
3. 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 a dwelling on the site would be a prominent feature, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would be unduly prominent, result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and 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 NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson

Date: 18/05/2021

Authorised Officer: David Fitzsimon

Date: 18/05/2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1845/F

Date Received: 04/12/2020

Proposal: Proposed replacement dwelling.

Location: 36 Newtown Road, Camlough.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within an Area of Outstanding Natural Beauty.

The site is located on the edge of the public road and contains a modest single storey detached dwelling centrally positioned on the site. A number of sheds and outbuildings are set to the side and rear of the existing property, the property has a large surrounding garden which slopes to the rear boundary of the site and the adjacent watercourse. A large area of roadside trees has recently been removed from the area to the north of the Newtown Road with the result being that there are open and uninterrupted views looking towards the site when travelling along this area of the public road.

The site is within a rural area although there are a few other properties in the vicinity along with some non-residential buildings including those adjacent and north of the site.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections if the property is lived in or could be with minor works, the dwelling is currently lived in.

NI Water – Generic response.

DFI Rivers – No direct objections raised however conditions have been suggested to ensure there is no form of development or planting that might impact on the floodplain and that a working strip is provided adjacent to the watercourse.

Objections & Representations:

The application was advertised on 12/01/2021, one neighbouring property was notified on 18/12/2020, no representations or objections have been received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

Principle of Development

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

Having inspected the site I am content that the building exhibits the essential characteristics of a dwelling and is currently being lived in, I am therefore content that a replacement opportunity exists at the application site.

Additional CTY3 Requirements

As well as the dwelling to be replaced needing to be a viable replacement opportunity it must also meet several other policy requirements set out in CTY3.

- The proposal is to be located within the existing curtilage of the property to be replaced with the proposed dwelling to be located on footprint of the existing property on the site, as such the proposed curtilage is acceptable as it matches the existing.

- The proposal is to replace a single storey dwelling with a ridge height of approximately 5 metres and a footprint of approximately 81 sq metres with a two storey dwelling with a ridge height of 8.3 metres above ground level. The proposed dwelling is to have a footprint of 181 sq metres with an overall floor area of 362 sq metres, the proposed dwelling is to have a floor area more than 4 times that of the dwelling to be replaced and the height of the dwelling is to increase by over 3 metres in height.

The agent was advised that the size and scale of the proposal was considered excessive when considered against the dwelling to be replaced and that the proposal was seen to have a visual impact significantly greater than the existing dwelling. The agent responded stating that he felt the proposed two storey dwelling would not be visible given existing vegetation and also stated that there are a number of two storey properties in the area.

The site is located on the edge of the busy public road, a large amount of roadside vegetation has recently been removed in the area and this has resulted in the site being open to critical views when travelling along the public road. The proposed dwelling will sit above other development on this side of the public road and will be critically viewed. Although there are two-storey properties in the surrounding area this application must be considered against the policy requirement that any dwelling should not have a visual impact significantly greater than the dwelling to be replaced. Given the roadside location, critical views, increase in ridge height and increase in floor area by more than 4 times the proposal must be considered against this relevant policy and if it will have a significantly greater visual impact. The overall size and scale of the proposal is considered excessive, the dwelling will be open to views when travelling along the public road and it is considered that the visual impact will be significantly greater and so be contrary to CTY3 requirements.

- The proposed design is not considered acceptable in this rural / AONB setting with the proposed dwelling being suburban in design with a large hipped roof, excessive number of front elevation window openings and front porch with columns. The agent was advised that the proposal was not considered rural in its form or design and should be amended. The agent offered no design changes but did state that other properties in the surrounding area have hipped roofs and are not traditional in their design. Although other properties in the wider area might have been approved with differing designs, any approvals were site specific including nearby industrial units. There are no properties of a similar design adjacent to the site, one single storey property to the south west of the site has a hipped roof but the property cannot be seen given mature vegetation and is small in its overall size. It is considered that the proposed design is not of a high quality appropriate to its rural setting within an AONB, this is contrary to CTY3 requirements.
- Given the existing dwelling on the site still being lived in it would be considered that all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.
- As the dwelling on site is currently lived in DFI Roads has no objections to the proposal.

Policy CTY13 – Integration and Design of Buildings in the Countryside

Policy CTY13 outlines a number of criteria that should be met for the integration and design of buildings in the countryside.

- As previously stated the site is located on the edge of the public road and the size, scale and massing of the proposal would result in the dwelling being a prominent feature in the landscape, this is further increased given the recent removal of a large area of roadside vegetation along Newtown Road.
- Although the site has some mature vegetation along some areas of its boundaries, given the extremely large size and scale of the proposed dwelling the site would not offer a suitable degree of enclosure for the building to integrate.
- The proposed drawings submitted show no additional planting proposed within the site, as previously stated it is not considered that the proposal can integrate onto the site and as such new landscaping would be required to aid with integration.
- As the proposal is to make use of an existing access there will be minimal ancillary works associated with the proposal.
- The design of the building is considered inappropriate for the site given the size, scale, design and massing for the reasons previously discussed.
- It is considered that the proposal fails to blend with the landform and existing buildings in that the proposal would have a significantly greater visual impact than the dwelling to be replaced.

It is considered that the proposal fails to meet criteria a), b), c), e) and f) of CTY13.

Policy CTY14 – Rural Character

Policy CTY14 outlines criteria to be considered regarding the potential to cause detrimental change to or further erode the rural character of an area.

- The proposal would be considered unduly prominent in the landscape given the large size, scale and massing of the proposal.
- As the proposal would see an existing dwelling replaced by a new dwelling then this would not be considered a build-up of development.
- The proposal would respect the pattern of development in the area as it would see one existing dwelling replaced by one new dwelling.
- Again as the proposal is for a replacement which will see the existing dwelling demolished it would not be considered to create ribbon development.
- The proposal would not result in ancillary works that would damage rural character.

It is considered that the proposal fails to meet criteria (a) of CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The design and appearance of the proposal (for the reasons noted above) are considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
 - the design of the replacement dwelling 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 Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the design of the proposed building is inappropriate for the site and its locality;
 - the proposal fails to blend with the landform and buildings;

and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the dwelling would, if permitted, be unduly prominent in the landscape; and would therefore result in a detrimental change to the rural character of the countryside.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the design and appearance of the proposal are unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson

Date: 24/02/2021

Authorised Officer: Andrew Davidson

Date: 26/02/2021

Re: Planning Reference: LA07/2020/1845/F

Proposal: Proposed replacement dwelling

at 36 Newtown Road Camlough Newry Co. Down

This application was made relying on Policy CTY3 of Planning Policy Statement 21

- 1 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;
- 2 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;
- 3 The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- 4 All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- 5 Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Based on the points above I believe we really only have 2 items to debate, the points being 2 and 3. In determining what would be accepted as integration into the surrounding area, I have to bring to your attention that there is already a lot of vegetation around this site. To the south and south west there are mature trees and smaller vegetation that completely blocks any view of the proposed house when travelling from the Camlough lake direction. The first view of the house, from this approach, will only occur as you reach the front entrance to the site.

In travelling from the opposite direction, the view of the site only occurs as an interrupted view. The majority of houses in the countryside will come into view at some stage so it is not feasible to expect an eradication of any potential view to the dwelling. The site does fall away to the rear, but beyond that the ground rises and there is substantial vegetation to the rear and side that ensures that the building does not appear prominent. There are also existing buildings adjacent to the proposed site which will provide some screening. These buildings, which have been there from as far back as 2009, will provide partial screening of the house for approx. 45.0m of the view when travelling in this direction. In regards to height, only a small portion of the proposed slate roof may be seen above these buildings, if at all. Whilst recent removal of adjoining vegetation on this side has occurred, a substantial palisade fence and closed board fence remains and the applicant proposed to augment this boundary with additional planting which will assist further with integration. I have attached a plan showing the views from the road and the screen that the existing buildings will provide. See **FIG. 2**.

What is classed as **significantly greater** than the existing building? In order for agents to determine what significantly greater is, we can only but refer to previous approvals recently approved by the Department.

We can refer to one approval. Reference number LA07/2019/0996/F, see **FIG 3**. This approval is a replacement dwelling that not only has it moved out of its curtilage but the dwelling that was replaced was a mere 45.0m sq. house and has been replaced with a 258.00 sq m house. The approved dwelling has a floor area nearly 5.7 times larger than the house to be replaced. The planning officer in his report states that our house to be replaced has a floor area of 80 sq m. This is a miscalculation and may have been based on an early map. In reality the dwelling is larger. The floor area of the house to be replaced is 155.00 m sq with a proposal of 362.00m sq. : 2.3 times the original area. The footprint, however, is only 1.5 times the original.

The department have stated that we have disregarded the local distinctiveness of the area. Please refer to **FIG. 1**. This area is a combination of many different 2 storey house designs combined with car scrap yards and a substantial industrial / commercial unit. The countryside policy and rural setting that the Planners wish to retain, has already been damaged and does not typify a normal rural feeling. The building integrates and is not unduly prominent. These issues seem to creep into decisions now and again and can only be described as subjective.

The proposed dwelling position is set back off the main road, unlike the replacement dwelling approved opposite. The proposed dwelling is a high quality design that will elevate the aesthetic quality of the area, given the current assortment of building types and fabric in close proximity to the site. The large industrial / commercial buildings, directly opposite, weigh heavily on the feel of the area, imposing a larger scale and materiality than traditional domestic scale. This complex is continuing to expand as per the recent Planning approval of 4 no lock-up units.

The rural setting and local distinctiveness are both in question here as represented by the Planning Department, as the prevailing aesthetic is industrial / commercial. The proposed dwelling will contribute to neutralising the dominating industrial burden in the area.

Another area of concern expressed by the department was the design with hips. As stated in our response to the Planners, a very similar dwelling, which can be viewed from Newtown Road, on an elevated site with no vegetation around the dwelling, was approved with hips and front porch with columns. See **FIG. 4**.

We believe the Planning department have determined the policy incorrectly and do not appear to have referenced previous approvals in the area such as fig. 4, which was brought to their attention. The decision has been made with total disregard to previous Planning reports on the hip roof design in an A.O.N.B, to quote the Department in a case they approved 'In the absence of a design guide specific to the Ring of Gullion A.O.N.B. the surrounding context is a strong material consideration. Annex 2 of PPS 21 notes traditional roof form maybe be hipped rather than gabled in some Localities'.

Fig. 4 shows the elevations of the dwelling which was approved approximately 1 mile away from the site in an A.O.N.B. This is not an unusual roof style in the area, there are 5 other existing dwellings in close proximity to the proposed site, which have hipped roof styles.

Whilst we expressed our opposition to the Planning Department's opinion on the "suburban" style of the proposed dwelling submitted, we had offered additional supporting information which we felt would assist the Planning Case Officer in their assessment. We had expected the Case Officer to return further comment and if he had persisted with his opinion after review of the information, we may have taken the opportunity to amend the design slightly, this slight amendment would have been minimal in terms of height and massing. There was no additional opportunity afforded however.

Whilst we firmly disagree with his report statements such as "excessive number of front elevation window openings", suburban style and a lack of support for the hipped roof design proposal, we would have appreciated the opportunity to engage further prior to this refusal in line with our email to the Planning Department before the decision to refuse.

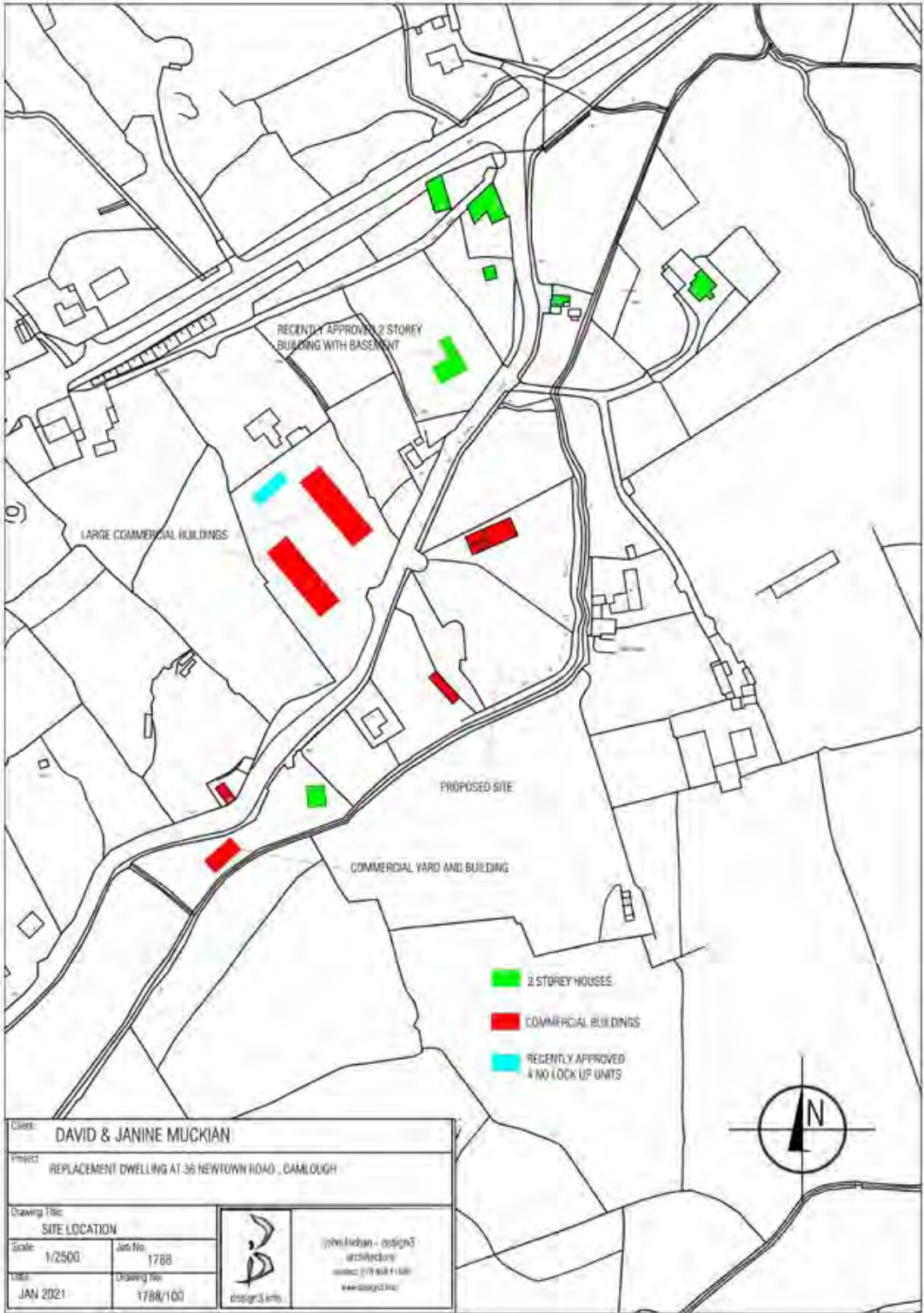


FIG. 1





TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice.	N
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	between 54 and 58 Edenappa Road, Jonesborough				
		PLANNING COMMITTEE MEETING – 16 OCTOBER 2019			
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	Withdraw from the addendum list for a meeting with Planners, applicant and agent	A McAlarney	Agent to submit revisions...awaited	N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting consultation response from DFI Roads on new info submitted.	N
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Agent has engaged Ecologist to provide outstanding info for Planning Dept	N
LA07/2019/1134/0	Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Agent has engaged Ecologist to provide outstanding info for Planning Dept	N
PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered	A Davidson		N
PLANNING COMMITTEE MEETING 15 DECEMBER 2020					
P/2013/0189/F	Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works	Site visit to be arranged	P Rooney	Site visit held 05-03-2021 – on agenda for September meeting	N
PLANNING COMMITTEE MEETING – 8 APRIL 2021					
LA07/2020/0299/F	Adjacent to 7 Annacloy Road North Dunnanelly Downpatrick - Single storey dwelling	Site visit to be arranged	A McAlarney	Site visit held 12-05-2021 - on agenda for Planning meeting to be held 28-07-2021 where it was agreed to defer application pending legal advice – back on agenda for	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Planning Meeting on 22-09-2021	
PLANNING COMMITTEE MEETING – 05 MAY 2021					
LA07/2017/1779/F	Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to planning approval LA07/2015/0782/F. - change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m	Removed from the addendum list at the request of Planning Officers	A McAlarney	Under consideration by planning office	N
PLANNING COMMITTEE MEETING – 28 JULY 2021					
LA07/2020/1797/F	22 Ballaghbeg Park, Newcastle - Proposed single storey rear extension to dwelling. (Amended Proposal)	Defer for a site visit	Annette McAlarney	Site visit – 24-09-2021	
LA07/2020/0299/F	Adj. to 7 Annacloy Road North Dunnanelly, Downpatrick - Single storey dwelling	Defer for legal advice (previous site visit held)	Annette McAlarney		
PLANNING COMMITTEE MEETING 25 AUGUST 2021					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2020/0661/O	Land opposite and West of Nos. 10 - 32 Grove Gardens, Killyleagh - Housing development	Site visit to be held		Site visit – 24-09-2021	
LA07/2020/1355/F	90 metres North of 14 Upper Clontigora Road, Killeen, Newry - Erection of replacement dwelling with detached garage	Defer	Andrew Davidson		
LA07/2020/0893/F	60 metres South of No. 49 Ballsmill Road, Glasdrumman, Crossmaglen - Proposed erection of 2 no. detached rural infill dwelling houses and detached garages ancillary works and additional landscaping	Site visit to be held	Andrew Davidson	Site visit – 24-09-2021	
LA07/2020/0496/F	Approx 105m NE of junction of Bernish Road and Seavers Road, Newry - Consolidation of existing development to form single dwelling	Site visit to be held	Andrew Davidson	Site visit – 24-09-2021	
LA07/2021/0246/F	Immediately north-west of 102 Tullybrannigan Road Newcastle Proposed 3no. self contained tourism units.	Site visit to be held	Andrew Davidson	Site visit – 24-09-2021	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2021/0498/O	20m north of 14 Old Road Mayobridge Newry BT34 2HG Proposed site for infill dwelling & garage	Site visit to be held	Mark Keane	Site visit – 24-09- 2021	
END					

Newry, Mourne & Down District Council – August 2021

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1. Live Applications

MONTH 2021/22	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2021	206	1,195	232
May 2021	204	1,238	228
June 2021	172	1,219	236
July 2021	176	1,190	224
August 2021	152	1,174	226

2. Live Applications by length of time in system

Month 2020/21	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2021	770	193	81	54	97	1,195
May 2021	818	192	76	53	99	1,238
June 2021	777	206	82	43	111	1,219
July 2021	787	179	79	44	101	1,190
August 2021	754	194	84	49	93	1,174

3. Live applications per Case Officer

Month 2021/22	Average number of Applications per Case Officer
April	83
May	85
June	89
July	83
August	75

4. Decisions issued per month

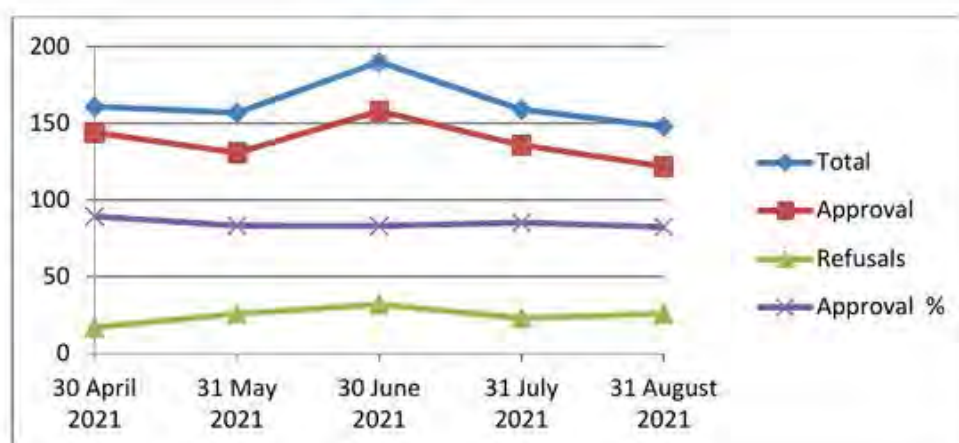
Month 2021/22	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	161	155
May	157	146
June	190	184
July	159	150
August	148	145

Newry, Mourne & Down District Council – August 2021

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5. Decisions Issued YTD

Month 2021/22	Number of Decisions Issued	Breakdown of Decisions	
April	161	Approvals (144)	89%
		Refusals (17)	11%
May	318	Approvals (275)	86%
		Refusals (43)	14%
June	508	Approvals (433)	85%
		Refusals (75)	15%
July	667	Approvals (569)	85%
		Refusals (98)	15%
August	815	Approvals (691)	85%
		Refusals (124)	15%



6. Enforcement Live cases

Month 2021/2022	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	285	133	127	122	62	101	830
May	291	134	122	128	64	104	843
June	267	132	121	136	60	102	818
July	269	134	114	137	68	102	824
August	266	132	107	133	71	103	812

Newry, Mourne & Down District Council – August 2021

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7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
8 April 2021	14	11	3	3
5 May 2021	16	8	8	3
2 & 30 June 2021 (Meetings cancelled)	-	-	-	-
28 July 2021	15	7	8	2
25 August 2021	15	9	6	6
Totals	60	35	25	14

8. Appeals

Planning Appeal Commission Decisions issued during period 1 July 2021 to 31 August 2021

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	17	0	0	0	0
Down	28	1	1	0	0
TOTAL	45	1	1	0	0

Newry, Mourne & Down District Council – August 2021

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Statutory targets monthly update - June 2021 (unvalidated management information)

Newry, Mourne and Down

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)					
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks		Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks		Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	2	-	0.0	0.0%		172	143	16.6	43.4%		44	19	69.8	52.6%
May	2	1	35.4	0.0%		162	137	17.2	41.6%		31	31	69.4	64.5%
June	1	1	49.8	0.0%		170	173	16.8	42.8%		30	40	90.4	45.0%
July	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
August	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
September	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
October	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
November	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
December	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
January	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
February	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
March	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
Year to date	5	2	42.6	0.0%		504	453	16.8	42.6%		105	90	76.8	53.3%

Source: NI Planning Portal

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

Newry, Mourne & Down District Council – August 2021

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3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is submitted. The average time taken to conclude an enforcement case is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019/A0155
Planning Ref:	LA07/2019/0181/	DEA	Slieve Croob
APPELLANT	Anthony Flanagan		
LOCATION	152 Ballylough Road Castlewellan		
PROPOSAL	2 Storey side and rear extension to provide ancillary accomodation (Retrospective)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 04/11/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2019/A0159
Planning Ref:	LA07/2019/1313/	DEA	Newry
APPELLANT	EDB Construction Ltd		
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		

APPEAL TYPE DC - Non Determination of a Planning Application

Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 13/11/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals**183**

ITEM NO	3	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT	Mr James Rogan		
LOCATION	Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/03/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2020/A0002
Planning Ref:	LA07/2017/1559/	DEA	Newry
APPELLANT	EDB Constructions Ltd		
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5	PAC Ref:	2020/A0003
Planning Ref:	LA07/2019/1021/	DEA	Rowallane
APPELLANT	Mrs E Fitzsimons		
LOCATION	53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2020/A0045
Planning Ref:	LA07/2019/0573/	DEA	Slieve Gullion
APPELLANT	Mills Smyth		
LOCATION	95 Aughnagurgan Road Altnamackan		
PROPOSAL	^{Newry} Proposed demolition of all existing buildings and replace with dwelling house and garage.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	10/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2020/0194/	PAC Ref:	2020/A0060
APPELLANT	Drumee Farms Ltd	DEA	The Mournes
LOCATION	Lands Approx. 100m NE Of 125 Newcastle Road Castlewellan		
PROPOSAL	Retention of multi-purpose agricultural shed, access from Newcastle Road, via established agricultural gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2019/1819/	PAC Ref:	2020/A0066
APPELLANT	William Henry McMaster	DEA	Slieve Croob
LOCATION	42a Cherryhill Road Spa		
PROPOSAL	Retirement bungalow		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
Planning Ref:	LA07/2019/1575/	PAC Ref:	2020/A0073
APPELLANT	Mr Gerard Rice	DEA	Crotlieve
LOCATION	8 Corcreeghy Road Newry		
PROPOSAL	Retrospective application for the extension of curtilage to include retaining wall, in-filling with inert material, fencing and associated landscaping. Existing Firework containers relocated and form utilisation of car parking.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	23/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2020/0836/	PAC Ref:	2020/A0103
APPELLANT	Mr Dodds	DEA	Rowallane
LOCATION	Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield		
PROPOSAL	Erection farm animal shelter and wintering shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/11/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	11	PAC Ref:	2020/A0124
Planning Ref:	LA07/2019/1119/	DEA	Slieve Croob
APPELLANT	John McKay		
LOCATION	75 Mill Hill Castlewellan		
PROPOSAL	2 semi-detached dwellings and 1 detached dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2020/A0126
Planning Ref:	LA07/2020/0027/	DEA	Downpatrick
APPELLANT	Judy Meharg		
LOCATION	7 Rocks Road Ballyhornan Downpatrick		
PROPOSAL	Wooden hut on a raised deck (retrospective)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals**188**

ITEM NO	13		
Planning Ref:	LA07/2020/0802/	PAC Ref:	2020//A0130
APPELLANT	Greg Kirkpatrick Esq	DEA	Rowallane
LOCATION	Approx. 50m S E Of No 80 Monlough Road Saintfield		
PROPOSAL	Farm Dwelling and Garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2020/1072/	PAC Ref:	2020/A0142
APPELLANT	Chris Ball	DEA	Downpatrick
LOCATION	67 St Patricks Avenue Downpatrick		
PROPOSAL	Change of use from commercial/office to a 2 bedroom dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15	PAC Ref:	2020/A0145
Planning Ref:	LA07/2020/1485/	DEA	Slieve Croob
APPELLANT	Leo McGrenaghan		
LOCATION	Land Adjacent To 32 Teconnaught Road Downpatrick		
PROPOSAL	Dwelling House		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2020/A0148
Planning Ref:	LA07/2020/1376/	DEA	Slieve Croob
APPELLANT	Mr Derek McNeill		
LOCATION	Adjacent To 71 Edendarriff Road Ballynahinch		
PROPOSAL	Infill dwelling and domestic garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	26/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2020/A0155
Planning Ref:	LA07/2020/0939/	DEA	Slieve Gullion
APPELLANT	John Markey		
LOCATION	110msouth Of 11a Ballintemple Road Meigh Newry		
PROPOSAL	Farm Dwelling with Garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/03/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2020/A0156
Planning Ref:	LA07/2018/0293/	DEA	Rowallane
APPELLANT	Paul McEvoy		
LOCATION	Opposite 49 And Adjacent To 56 Darragh Road Darraghcross		
PROPOSAL	Crossbar Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road.		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19		
Planning Ref:	LA07/2018/1616/	PAC Ref:	2020/C002
APPELLANT	David Trevor Shields	DEA	The Mournes
LOCATION	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel BT34 47N		
PROPOSAL	Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay.		
APPEAL TYPE	DC- EIA Determination - app ES is required		
Appeal Procedure	Formal Hearing	Date Appeal Lodged	11/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2019/1600/	PAC Ref:	2020/E0001
APPELLANT	Mr Paul Cunningham	DEA	Slieve Croob
LOCATION	5c Teconnaught Road Downpatrick		
PROPOSAL	Existing dwelling		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

192

ITEM NO	21		
Planning Ref:	LA07/2018/1601/	PAC Ref:	2021/A0006
APPELLANT	Mr K O'Hagan	DEA	Newry
LOCATION	55 Stream Street Newry BT34 1HJ		
PROPOSAL	Proposed demolition of existing building and construction of 2 No. apartments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	18/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2020/0258/	PAC Ref:	2021/A0008
APPELLANT	Johnny Farrell	DEA	Crothieve
LOCATION	49a Greenan Road Newry		
PROPOSAL	Retention of construction access with new improved sight lines- previously approved under P/2011/0702/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	LA07/2020/1568/	PAC Ref:	2021/A0009
APPELLANT	Mr & Mrs Pat Hayes	DEA	Slieve Croob
LOCATION	To The Rear And Immediately South West Of 62 Crawfordstown Road		
PROPOSAL	Drumaness Retrospective extension to domestic curtilage, construction of garden feature and greenhouse along with all associates hard and soft landscaping.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2020/1053/	PAC Ref:	2021/A0012
APPELLANT	Airfibre Limited	DEA	Slieve Croob
LOCATION	Transmission Site At Hamiltons Folly Approx. 295m SE Of 20 Mountain Road Ballinahinch		
PROPOSAL	Retrospective application for 15 m lattice tower, including mast and cabin with security fencing and pedestrian access gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	18/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

194

ITEM NO	25		
Planning Ref:	LA07/2020/1187/	PAC Ref:	2021/A0013
APPELLANT	Norman Harvey	DEA	Rowallane
LOCATION	Approx. 25m South Of 32 Kilmore Road Crossgar		
PROPOSAL	Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2019/1390/	PAC Ref:	2021/A0020
APPELLANT	Elizabeth Cherry	DEA	Rowallane
LOCATION	Approx. 78m South Of 94 Lisbane Road Ballynahinch		
PROPOSAL	Proposed erection of a shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	27		
Planning Ref:	LA07/2020/1360/	PAC Ref:	2021/A0022
APPELLANT	Charlie Magennis	DEA	The Mournes
LOCATION	Base And Morelli's 71-73 Central Promenade Newcastle		
PROPOSAL	Proposed erection of temporary retractable awning and lightweight structure		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2020/0920/	PAC Ref:	2021/A0028
APPELLANT	Michael McCarthy & Jarleth McCart	DEA	Crotlieve
LOCATION	North East And Adjoining No 9 Rock Road Newry		
PROPOSAL	Dwelling on a Farm with Domestic Garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	08/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

196

ITEM NO	29		
Planning Ref:	LA07/2020/1077/	PAC Ref:	2021/A0031
APPELLANT	Mr Eammon McAteer	DEA	Crotlieve
LOCATION	12 Cullion Road Mayobridge BT34 2HJ		
PROPOSAL	Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard, polystyrene for transfer to re cycling centers		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30		
Planning Ref:	LA07/2021/0146/	PAC Ref:	2021/A0032
APPELLANT	Paul Wilson	DEA	Slieve Croob
LOCATION	75 Dromore Road Ballykine Upper Ballynahinch		
PROPOSAL	Erection of replacement dwelling, detached garage and conversion of existing dwelling to stables		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31		
Planning Ref:	LA07/2021/0096/	PAC Ref:	2021/A0033
APPELLANT	Mr Bailey	DEA	Rowallane
LOCATION	18a Drumgivan Road Drumgivan Ballvnahinch		
PROPOSAL	Extension and renovation of Schoolhouse to domestic dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32		
Planning Ref:	LA07/2020/0770/	PAC Ref:	2021/A0034
APPELLANT	Jamie McDonald	DEA	Newry
LOCATION	Lands Approx. 40m NE Of 29 Clontigora Hill Newry		
PROPOSAL	Infill dwelling and garage, associated landscaping and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	33	PAC Ref:	2021/A0046
Planning Ref:	LA07/2020/0115/	DEA	Slieve Croob
APPELLANT	Brendan Ferris		
LOCATION	110 Southwest Of 50 Crawfordstown Road Downpatrick		
PROPOSAL	Retrospective change of use of agricultural building to gym		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34	PAC Ref:	2021/A0049
Planning Ref:	LA07/2020/0079/	DEA	Newry
APPELLANT	M Farrell		
LOCATION	Lands Approximately 50m North West Of No. 53 Ayalogue Road Newry		
PROPOSAL	Dwelling and garage on gap site		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

199

ITEM NO	35		
Planning Ref:	LA07/2020/1828/	PAC Ref:	2021/A0051
APPELLANT	Richard Hall	DEA	Slieve Croob
LOCATION	Adjacent And Immediately North Of 42 Old Belfast Road Dundrum Newcastle		
PROPOSAL	Infill site for dwelling with domestic garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36		
Planning Ref:	LA07/2021/0616/	PAC Ref:	2021/A0052
APPELLANT	Andrew Davis	DEA	Downpatrick
LOCATION	East And Adjacent To 4 Turmennan Road Crossgar		
PROPOSAL	Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

200

ITEM NO	37	PAC Ref:	2021/A0058
Planning Ref:	LA07/2021/0302/	DEA	Rowallane
APPELLANT	Anne Mullan		
LOCATION	20 Darragh Road Crossgar		
PROPOSAL	Retention of dwelling as annexe to 20 Darragh Road, Crossgar, with construction of new garage link (Retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	38	PAC Ref:	2021/A0074
Planning Ref:	LA07/2020/0387/	DEA	Slieve Croob
APPELLANT	Mr C O'Connor		
LOCATION	59 Drumnaquoile Road Castlewellan		
PROPOSAL	Change of house type and siting in substitution to Planning permission LA07/2018/1590/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

201

ITEM NO	39	PAC Ref:	2021/A0075
Planning Ref:	LA07/2021/0450/	DEA	The Mournes
APPELLANT	Paul Smith		
LOCATION	57 Castlewellan Road Newcastle		
PROPOSAL	Artist studio and study to existing dwelling, for domestic use associated with the dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	40	PAC Ref:	2021/A0083
Planning Ref:	LA07/2020/1830/	DEA	Crotlieve
APPELLANT	Briege McComiskey		
LOCATION	Approx 160m North West Of No.26 Leode Road Hilltown		
PROPOSAL	Newry Erection of dwelling and domestic garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

202

ITEM NO	41		
Planning Ref:	LA07/2020/1702/	PAC Ref:	2021/A0088
APPELLANT	Mr Hewitt	DEA	Rowallane
LOCATION	North West And Adjacent To 59 Glasswater Road Creevycarnon		
PROPOSAL	Crossbar Erection of Sheltered Accommodation for the Elderly		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	42		
Planning Ref:	LA07/2020/0936/	PAC Ref:	2021/A0092
APPELLANT	Mr James Hughes	DEA	Crotlieve
LOCATION	Mountview Business Park Rathfriland Road		
PROPOSAL	Newry Replacement free standing vertical sign with logos to both faces		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

203

ITEM NO	43		
Planning Ref:	LA07/2020/1906/	PAC Ref:	2021/E0010
APPELLANT	Eamonn McAteer McAteer Recyclin	DEA	Crotlieve
LOCATION	Lands At And To The Rear Of No. 12 Cullion Road Mayobridge		
PROPOSAL	Newrv Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	10/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	44		
Planning Ref:	LA07/2020/0622/	PAC Ref:	2021/E0013 LDC
APPELLANT	Mr Robert Hollywood	DEA	Slieve Gullion
LOCATION	Located Upon Lands Approximately 100 Meters North West Of No.34 Church Road		
PROPOSAL	Shean The use of the building is agricultural and used for agricultural storage purposes associated with the existing farm enterprise		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

204

ITEM NO	45		
Planning Ref:	LA07/2020/1532/	PAC Ref:	2021/E0014 LDC
APPELLANT	Ms Colleen McGinnis	DEA	Crotlieve
LOCATION	Lands At No.33B Ballyvally Road Ballyvally Mavohridge		
PROPOSAL	The applicant is seeking a Certificate of Lawfulness (COLEUD) for an existing use or development in relation to an existing access arrangement, hardcore access laneway, 2 No ancillary oil tanks and boiler enclosure, ancillary 1 No detached timber garage, ancillary hard		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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Appeal References:	2020/A0060
Appeal by:	Drumee Farms Ltd
Appeal against:	The refusal of full planning permission for the retention of a multi-purpose agricultural shed, access from Newcastle Road, via established agricultural gateway
Location:	Lands approximately 100 metres north-east of 125 Newcastle Road, Castlewellan
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2020/0194/F
Procedure:	Informal Hearing
Decision by:	Commissioner Mandy Jones, 31 August 2021

Decision

The appeal is allowed and full planning permission is granted.

Reasons

1. The main issues in this appeal are whether the retention of the development is acceptable in principle in the countryside and whether safe access can be taken onto a Protected Route.
2. Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan, 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, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
3. The Ards and Down Area Plan 2015 (ADAP) is the extant plan pertinent to this appeal. The appeal site is shown in the ADAP as outside any designated settlement development limit and lying within the countryside. The site also falls within the Mourne Area of Outstanding Natural Beauty (AONB) and an Area of Constraint on Mineral Development. The ADAP offers no policies relevant to this appeal.
4. With respect to the regional policy context, the Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) outlines the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. During the transitional period, both the SPPS and retained Planning Policy Statements (PPSs) apply. Any conflict between the SPPS and any policy retained under the transitional arrangements

2020/A0060

must be resolved in the favour of the provisions of the SPPS. Where the SPPS introduces a change in policy direction and/or provides policy clarification that would be in conflict with the retained policy, the SPPS should be accorded greater weight. As no Plan Strategy has been adopted in the Newry, Mourne and Down District Council area, the retained policies applicable to this case are Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and Planning Policy Statement 3 'Access, Movement and Parking' (PPS3). Accordingly, the SPPS, PPS21 and PPS3 provide the policy context for this appeal.

5. Policy CTY1 of PPS21 sets out the types of development which are considered to be acceptable in principle in the countryside. These include agricultural development subject to complying with Policy CTY12 of PPS21. Paragraph 6.73 of the SPPS also contains policy in respect of agricultural development. The latter, essentially, repeats elements of Policy CTY12. As such, there is no conflict or change in policy direction between the provisions of the SPPS and those of the retained PPS21 with regards to the policy disputed in this case under the first refusal reason.
6. Policy CTY12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with a list of criteria. The Council's original objection to the proposal, relates to the development not complying with criterion (a). Criterion (a) states that it must be demonstrated that it is necessary for the efficient use of the agricultural holding. The remaining criteria are not in dispute. Paragraph 5.56 of the amplification text points out that for the purposes of Policy CTY12, the determining criteria for an active and established farm business will be that set out under Policy CTY10. The policy therefore requires that the appellant's farm business is currently active and established for at least six years.
7. Set back approximately 100 metres from the road, the rectangular site is accessed from an existing stone laneway that runs parallel to the side boundary of a semi-detached dwelling (No. 125). The laneway rises steeply towards the relatively flat rectangular portion of the site. Cut out of a larger agricultural field, the south-eastern corner of the site comprises of an existing agricultural shed that houses cattle. The rectangular building measuring 9.2 metres by 14.9 metres is finished in timber, metal cladding and concrete. Some elevations are painted in grey. A cattle crush with a concrete floor is adjacent to the shed. Silage bales are stacked in the far north-eastern corner of the site while an agricultural vehicle is parked within the site. A wire fence above a 1 metre stone wall defines the north-western, north-eastern and south-eastern boundaries while the south-western boundary is delineated by a 1 metre post and wire fence, separating the appeal site from the agricultural field.
8. The Council accepted at the hearing that the appellant's farm business is currently active and that the agricultural shed is necessary for the efficient use of the agricultural holding and meets criterion (a). However, the local planning authority remained of the view that the active farm is not an established business and therefore does not accord with Policy CTY12. The outstanding bone of contention under the first reason for refusal therefore relates to whether the farm is established.

9. The appellant advised at the hearing that prior to being allocated a farm business number, his farm business commenced shortly after he purchased the agriculture holding in November 2015. He also explained that the former landowner operated an active farm on the subject lands. However, no persuasive evidence was presented in this regard.
10. Accompanying the appellant's Statement of Case is a Herd Register. The first entry date for cattle transported onto the farm holding is in June 2016. Nevertheless, both parties accepted that the farm business has been active since the allocation of the farm business number in February 2016. The appellant may not have had cattle on the farm prior to June 2016 but other associated farming activity could have been carried out in preparation for bringing the herd stock onto the farm. On the balance of probabilities, I therefore accept the undisputed evidence that the appellant's farm business commenced in February 2016 when the farm business number was allocated. Accordingly, the farm business has been active for over five years at the time of writing, and subsequently, falls short of the required six years by approximately six months.
11. The aim of PPS21 is to manage development in the countryside in a manner which strikes a balance between the need to protect the countryside from unnecessary or inappropriate development, while supporting rural communities. Objectives of the policy are to manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community while facilitating development necessary to achieve a sustainable rural economy. The Council did not consider the development to fall foul of the aims and objectives of PPS21.
12. I was presented by the following evidence:-
 - It is common case that all of the listed criteria in Policy CTY12 are met;
 - There were no objections from the Council in relation to integration, design or impact on rural character;
 - There was undisputed evidence that the farm was purchased in 2015, and previous to this, it was an active farm and
 - It was accepted by the Council that the shed is essential for the efficient use of the holding.
13. Whilst there is no dispute that the appellant's farm is currently active, it is clear that the requirement that the appellant's farm business has been established for six years is not met. It is around six months short. However, this is only a number of months and taking all of the above factors into consideration in the final analysis, I conclude that no harm would arise from the retention of this agricultural building on this holding.
14. I agree with the appellant's argument that there would be no logical sense in demolishing this building and then re-submitting a new planning application once the six years has been reached – only to rebuild again.
15. The Council raised no objections to the development with respect to causing any demonstrable harm to the landscape and surrounding residents in terms of visual impact, amenity, noise, nuisance and disturbance. Notwithstanding the need for the agricultural shed and that it causes no detrimental impact on the surrounding

environment, the development does not comply with the 'established farm' test as set out in criterion (a) of Policy CTY10 and cross-referenced in Policy CTY12. However, in light of the unique set of circumstances of this appeal where no demonstrable harm is caused by the development and Council's acceptance that the overall aims and objectives of PPS21 are not contravened, the Council's first reason for refusal is not sustained.

16. With respect to taking safe access onto a Protected Route, an objective of the SPPS is to restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes. Paragraph 6.301 of the SPPS states that approval may be justified for other developments which would meet the criteria for development in the countryside, and where access cannot be reasonably obtained from an adjacent minor road, proposals will be required to make use of an existing vehicular access onto the Protected Route. This policy repeats the retained policy as set out in the most up-to-date version of PPS3. Hence, there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS3 in relation to the policy disputed in this case under the second reason for refusal.
17. The preamble to PPS21 indicates that the policy provisions set out in Annex 1 of the policy will take precedence over the provisions of Policy AMP3 of PPS3 insofar as they relate to proposals seeking access to the category of road highlighted as 'Other Protected Routes – Outside Settlement Limits'. In this instance, access is onto the A50 Newcastle Road which is a Protected Route outside a settlement limit. Accordingly, the most up-to-date policy expression set out in Annex 1 of PPS21 and entitled 'Consequential amendment to Policy AMP3 of PPS3 Access, Movement and Parking' is relevant to the consideration of this appeal. Although Annex 1, was not raised by the parties, Policy AMP 3 of PPS 3 is before me.
18. PPS21, Annex 1 - Consequential amendment to Policy AMP3 of PPS 3 indicates that planning permission will only be granted for a development proposal involving access onto a Protected Route in four specified cases. Both parties' were in agreement that criterion (d) entitled "Other Categories of Development" is the applicable category in this case. Criterion (d) states that approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route. The penultimate paragraph of the policy states that access arrangements must be in accordance with the Department's published guidance and the final paragraph explains that the remainder of Policy AMP3 as set out in a previous clarification in October 2006, including the justification and amplification text, remains unaltered.
19. The justification section explains that the Department has a long established policy of restricting access onto the main roads that facilitate the efficient movement of traffic over long distances in Northern Ireland. These roads contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaports and with the Republic of Ireland. Consequently, any new access or intensified use of an existing access should not compromise their function of facilitating the free and safe movement of traffic or significantly add to congestion. The amplification text of the clarification policy also states that in all

cases, where access onto a Protected Route is acceptable in principle, it will also be required to be safe in accordance with Policy AMP2.

20. I have found that the agricultural shed is acceptable in principle. Thus, the appeal development overcomes the first part of the test. With respect to the second element of the test, both parties agreed that access could not be obtained from an adjacent minor road. In such circumstances, consideration must therefore be given to whether the development can avail of an existing vehicular access onto the Protected Route.
21. The proposed access point comprises of an existing gate which is set back from the road. Kerbs and a tarmac apron to the road are in place. The consequential amendment to Policy AMP3 encourages making use of an existing vehicular access onto Protected Routes where an adjacent minor road cannot reasonably be obtained. The Council stated that "the current access was formally a field gate which underwent improvement works to create a stoned laneway and access to the unauthorised building." I note that the Department for Infrastructure (DfI) Roads had no objection to the proposal on the basis that this application is for agricultural use only and the required visibility splays 4.5 m x 70 m are in place. Given the setback of the gate, the existing tarmac apron and kerbing contiguous with the road edge kerbing, I do not consider it to be a 'field gate'. I agree with the appellant that the access is an existing agricultural access point to agricultural lands. Notwithstanding the stoned laneway to the agricultural building from the gate, it is an existing vehicular access onto the protected route. As such, the appeal development complies with the PPS21 consequential amendment to Policy AMP3 of PPS 3. Therefore, the Council's second reason for refusal has not been sustained.
22. With respect to Council's issue that a precedent would be set should this appeal be allowed, I consider that the precedent would be limited given the specific factors outlined above. In any case, each appeal must be considered on its own merits.
23. In light of the above, I conclude that the Council has not sustained its objections under Policy CTY12 of PPS21 and Policy AMP3 of PPS3 insofar as stated. Thus, the appeal proposal accords with Policy CTY1 of PPS21. The Council's first and second reasons for refusal are therefore not upheld.
24. With respect to conditions, the Council suggested a condition restricting the use of the access for agricultural vehicles only. However, such a condition would not be enforceable and would therefore not meet the conditions test. The appeal is for the retention of an agricultural building and access and any other use of the access would require planning permission. No planning conditions are therefore imposed.

This decision is based on the following drawings:-

- LPA Drg No.01: Site Location Plan (Scale 1:1250)
- LPA Drg No. 02: Site Plan (Scale 1:50)
- LPA Drg No. 03: Existing Plans and Elevations (Scale 1:100)

COMMISSIONER MANDY JONES

List of Appearances at Remote Hearing

Planning Authority: - Newry, Mourne and Down District Council	Ms Claire Cooney
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Appellant: -	Mr David Donaldson, Agent Mr Micheal Rodgers Drumee Farms Ltd
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List of Documents

Planning Authority: -	"A" Statement of Case
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Appellant: -	"B" Statement of Case
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