



September 19th, 2023

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 20th September 2023** at **10:00 am** in **Boardroom Council Offices Monaghan Row Newry.**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies and Chairperson's remarks.

2.0 Declaration of Interest

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

4.0 Minutes of Planning Development Committee Meeting - Wednesday 23 August 2023. (Attached)

 *Planning Committee Minutes 23-08-2023.docx*

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

 *Addendum list - 20-09-2023.pdf*


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


6.0 LA07/2022/1179/F - Erection of dwelling and detached garage - Lands approximately 8m southeast of No.143 Tullyah Road, Whitecross. (Attached))

REFUSAL

- A request for speaking rights has been received from Colin O Callaghan , in support of the application. (Attached)

 *LA07.2022.1179.F.pdf*

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 *LA07-2022-1179-O.pdf*

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7.0 LA07/2022/0819/F - Proposed rear extension - 7 Courtney Hill Newry. (Attached)

REFUSAL

John Cole Agent, and applicant, will be in attendance

Development Management - Planning Applications for determination

8.0 LA07/2020/0276/F - Demolition of existing buildings and erection of 10 houses - Lands at 4 Donaghaguy Road Warrenpoint, BT34 3RZ.. (Attached)

APPROVAL

- Presentation will be given by Officers
- NI Water invited to attend

LA07-2020-0276-F.pdf

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9.0 LA07/2023/2525/F - Environmental improvements comprising the installation of new natural stone footpaths, improvements to existing uncontrolled crossing points, refurbishment of existing street lighting, like for like replacement of existing damaged pedestrian guard rails, installation of cycle stands and all associated works - Lands adjacent to 3-28 The Square, 1-38 Bridge Street, 1-34 Church Street, 2 Church Street, 4-8 Mary Street, Rostrevor. (Attached)

APPROVAL

- ADDENDUM LIST

LA07.2023.2525.F.pdf

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10.0 LA07/2022/1335/F - Erection of residential development and associated site works (revised scheme for 12 no. apartments (in 2 blocks) with demolition of existing dwelling on site known as 35 Rathfriland Road, Newry - 35 Rathfriland Road, Newry. (Attached)

APPROVAL

- ADDENDUM LIST

LA07.2022.1335.F.pdf


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11.0 LA07/2021/0296/F - Proposed residential development

comprising 92 residential dwellings (comprising 70 houses; 20 apartments and 2 bungalows), access/right turn lane, open space, landscaping and other ancillary site works (Amended Proposal) - Lands approx 80m east of No.15 Martins Lane (Parochial House) and 30M west of Nos 1-20 Demense Carnagat Road Newry. (Attached)

APPROVAL

- Presentation will be given by Officers
- NI Water invited to attend


 [LA07.2021.0296.F.pdf](#)

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12.0 LA07/2022/1326/F - Proposed alterations to existing dwelling including attic conversion, single storey front and rear extensions with associated site works -19 Cherry Hill, Rostrevor, BT34 3BD.. (Attached)

REFUSAL

- A request for speaking rights has been received from Ronan Dowe Agent , in support of the application. (Attached)
- (Agent has a powerpoint)

 [LA07-2022-1326-F.pdf](#)

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 [LA07-2022-1326-F.pdf](#)

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13.0 LA07/2023/1936/F - Proposed change of use of an existing vacant retail unit to form a fast food restaurant and takeaway at ground floor level with 3 bedroom house of multiple occupancy (HMO) residential accommodation at first floor level - 27 Monaghan Street, Newry. (Attached)

APPROVAL

- Presentation will be given by Officers
- NI Water invited to attend


 [LA07-2023-1936-F.pdf](#)

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14.0 LA07/2022/1025/F - Attached duplex apartment in side garden of existing end terrace dwelling - 31 Hillfoot Crescent Ballynahinch. (Attached)

REFUSAL

- **ADDENDUM LIST**


 **LA07.2022.1025.F.pdf**

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15.0 LA07/2022/1714/F - New dwelling and garage - Lands 71m SW of No.52 Ribadoo Road, Ballyward, Castlewellan. (Attached)

REFUSAL

- A request for speaking rights has been received from Mark Hanvey (Gravis Planning) , in support of the application. (Attached)
- (Agent has powerpoint)

 **LA07.2022.1714.F.pdf**

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 **LA07-2022-1714-F.pdf**

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Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Cllr Jim Brennan

Cllr Pete Byrne

Cllr Philip Campbell

Mr Andrew Cassells

Cllr William Clarke

Mrs Linda Cummins

Cllr Laura Devlin

Ms Louise Dillon

Cllr Cadogan Enright

Cllr Doire Finn

Cllr Aoife Finnegan

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Mrs Josephine Kelly

Cllr Tierna Kelly

Cllr Cathal King

Ms Nora Largey

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Cllr Andrew McMurray

Cllr Declan Murphy

Cllr Kate Murphy

Cllr Selina Murphy

Cllr Siobhan O'Hare

Cllr Áine Quinn

Cllr Henry Reilly

Cllr Michael Rice

Mr Peter Rooney
.....
Cllr Michael Ruane
.....
Cllr Michael Savage
.....
Cllr Gareth Sharvin
.....
Donna Starkey
.....
Sarah Taggart
.....
Cllr David Taylor
.....
Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Mrs Marie Ward
.....

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 23 August 2023 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D Murphy

In attendance: **(Committee Members)**

Councillor P Campbell
Councillor G Hanna
Councillor D McAteer
Councillor J Tinnelly

Councillor A Finnegan
Councillor M Larkin
Councillor S Murphy

(Officials)

Mr J McGilly
Mr Pat Rooney
Mr Peter Rooney
Mr M Keane
Ms S Taggart
Ms S Kieran

Assistant Director of Regeneration
Principal Planning Officer
Legal Advisor
Senior Planning Officer
Democratic Services Manager
Democratic Services Officer

P/055/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apologies were received:

Councillor P Byrne
Councillor C King
Councillor M Rice
Mr C Mallon, Director of Enterprise, Regeneration & Tourism

P/056/2023: DECLARATIONS OF INTEREST

No declarations of interest.

P/057/2023: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

No declarations.

MINUTES FOR CONFIRMATION

**P/058/2023: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 26 JULY 2023**

Read: Minutes of Planning Committee Meeting held on Wednesday 26 July 2023. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 26 July 2023 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/059/2023: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 23 August 2023.
(Copy circulated)

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to approve the Officer recommendation in respect of the following application listed on the addendum list for Wednesday 23 August 2023:**

- **LA07/2023/2280/F** – Erection of ball stop netting over existing 3G sports pitch – 32 Circular Road, Castlewellan, Co Down.
APPROVAL
- **LA07/2022/1633/F** – Proposed floodlighting consisting of 4 no. lighting columns/luminaires to MUGA pitch (approved under LA07/2021/2066/F) – Kilkeel Leisure Centre, Mourne Esplanade, Kilkeel, BT34 4DB.
APPROVAL

LOCAL DEVELOPMENT PLAN (EXEMPT INFORMATION)

The Chairperson advised the following was for noting:

P/060/2023: LDP PROGRESS REPORT - QUARTERLY UPDATE

Read: Report dated 23 August 2023 from Mr J McGilly, Assistant Director Regeneration, regarding the Local Development Plan: Progress: Quarterly Update
(Copy circulated)

AGREED: **On the proposal of Councillor Campbell, seconded by Councillor Finnegan, it was agreed to note the content of the officer's report.**

DEVELOPMENT MANAGEMENT -

PLANNING APPLICATIONS FOR DETERMINATION

P/061/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/0819/F

Location:

7 Courtney Hill, Newry

Proposal:

Proposed Rear Extension

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Keane, Senior Planning Officer gave a power point presentation 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, presented in support of the application, detailing and expanding upon a written statement circulated to Committee Members.

AGREED:

On the proposal of Councillor McAteer, seconded by Councillor Larkin, it was agreed to defer Planning Application LA07/2022/0819/F for a site visit by Members.

(2) LA07/2022/1557/F

Location:

Opposite no.1 Commons School Road and to the rear of no. 1 Bingian Terrace, Newry, BT34 2QH.

Proposal:

Proposed pair of semi detached dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Keane, Senior Planning Officer gave a power point presentation 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 circulated to Committee Members.

Councillor Hanna proposed and Councillor McAteer seconded to issue an approval in respect of Planning Application LA07/2022/1557/F, on the basis that the proposed dwellings will round off the wider development, the ridge height will not be any higher than the level of the adjacent house, and it will integrate into the area.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to issue an approval in respect of Planning Application LA07/2022/1557/F, contrary to Officer recommendation, on the basis that the proposed dwellings will round off the wider development, the ridge height will not be any higher than the level of the adjacent house, and it will integrate into the area.

Revised plans to be submitted to Officers to address concerns including the siting of units and reducing the scale/height of the units.

Planning Officers be delegated authority to impose any relevant conditions.

(3) LA07/2022/0612/F

Location:

28 Warrenpoint Road, Rostrevor

Proposal:

Proposed demolition of existing dwelling and replacement with new dwelling

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Mr Keane, Senior Planning Officer, gave a power point presentation 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 A Gilcore and Mr M Conn, DAERA, presented in objection of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

In support

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

Councillor Murphy proposed to issue an approval as per recommendation contained within the Case Officer Report. This was seconded by Councillor McAteer.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

AGREED: **On the proposal of Councillor Murphy, seconded by Councillor McAteer, it was agreed to issue an approval in respect of Planning Application LA07/2022/0612/F, as per recommendation contained in the Case Officer Report.**

(4) LA07/2022/1496/F

Location:

Lands adjacent to No 17 Derrycraw Road, Newry, Co Down, BT34 1RG

Proposal:

Proposed erection of an off-site replacement rural dwelling with detached domestic garage, associated landscaping and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Mark Keane, Senior Planning Officer, gave a power point presentation 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 Barney McKevitt, Agent, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1496/F, contrary to Officer recommendation, on the basis that the positioning of the

proposed replacement off site will be a gain, and it will integrate into the countryside as it has a

backdrop to the hill side. Councillor Hanna seconded the proposal.

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

FOR: 7
AGAINST: 0
ABSTENTIONS: 1

The proposal was carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2022/1496/F, contrary to Officer recommendation, on the basis that the positioning of the proposed replacement off site will be a gain, and it will integrate into the countryside as it has a backdrop to the hill side.

Planning Officers be delegated authority to impose any relevant conditions.

(5) LA07/2022/1554/F

Location:

Approximately 15m south of no. 18 Newtown Road, Killeavy, Newry, BT35 8NN

Proposal:

Erection of 2no. rural semi-detached infill dwelling houses with domestic garages, ancillary site works and associated landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Rooney Principal Planning Officer gave a power point presentation 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 Timmy Hamill, Agent, presented in support of the application, detailing and expanding upon a written statement circulated to Committee Members.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2022/1554/F, contrary to Officer recommendation, as it complied with CTY8. Councillor Campbell seconded the proposal.

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

FOR: 8
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to issue an approval in

respect of Planning Application LA07/2022/1554/F, contrary to Officer recommendation, on the basis that it complies with CTY8.

Planning Officers be delegated authority to impose any relevant conditions.

(6) LA07/2022/1995/F

Location:

Lands to North-West of 26-34 Boulevard Park and South-West of 59 Boulevard Park, Newcastle

Proposal:

Proposed 2 no Detached Dwellings with associated Car Parking and Landscaping.

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer gave a power point presentation 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 Mary Rooney presented in objection of the application, detailing and expanding upon a written statement circulated to Committee Members.

Councillor McAteer proposed to issue an approval as per recommendation contained within the Case Officer Report. Councillor Campbell seconded the proposal.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to issue an approval in respect of Planning Application LA07/2021/1995/F, as per recommendation contained in the Case Officer Report.

(7) LA07/2021/1273/O

Location:

227m South of 52 Holly Park Road, Crossgar

Proposal:

Dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer gave a power point presentation 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 Andrew Gibson, Applicant, presented in support of the application, detailing and expanding upon a written statement circulated to Committee Members.

Councillor Larkin proposed to issue a refusal in respect of Planning Application LA07/2021/1273/O, as per recommendation contained in the Case Officer Report. Councillor McAteer seconded the proposal.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of Planning Application LA07/2021/1273/O, as per recommendation contained in the Case Officer Report.**

(8) LA07/2022/1261/F

Location:

4 Majors Hill, Annalong, Kilkeel

Proposal:

Proposed side extension to dwelling and new vehicular access

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Mark Keane, Senior Planning Officer gave a power point presentation 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 circulated to Committee Members.

Councillor Larkin proposed deferring determination of Planning Application LA07/2022/1261/F to explore further options regarding the development of a lay-by for the proposed application.
Councillor Hanna seconded the proposal.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to defer determination of Planning Application LA07/2022/1261/F to explore further options regarding the development of a lay-by for the proposed application.**

(9) LA07/2022/1534/F

Location:

51 Drumlough Road, Rathfriland (site previously described as opposite 50 Drumlough Road, Rathfriland)

Proposal:

Change of house type and detached garage in substitution to the extant approvals granted under P/2003/2089/O and P/2007/0558/RM

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Mark Keane, Senior Planning Officer, gave a power point presentation 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 Quinn, Agent, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1554/F, contrary to Officer recommendation, considering that works have been carried out and safe access to the site has been provided. 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:	0

ABSTENTIONS: 0

The proposal was carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2022/1554/F, contrary to Officer recommendation, on the basis that works have been carried out and safe access to the site has been provided.

(10) LA07/2022/1313

Location:

3 Bog Road, Killeen

Proposal:

2 storey dwelling and garage on an infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer, gave a power point presentation 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 Gerry Tumelty, Agent, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1313 contrary to Officer recommendation, as the application complies with CTY8 and the relevant frontages are present on to the driveway. 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: 6
AGAINST: 2
ABSTENTIONS: 0

The proposal was carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2022/1313 contrary to Officer recommendation as the application complies with CTY8 and relevant frontages are present on to the driveway.

HISTORIC ACTION SHEET

P/026/2023: HISTORIC ACTION SHEET

Read: Historic Action Sheet. **(Copy circulated)**

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Finnegan
it was agreed to note the Historic Action Sheet**

The meeting concluded at 2.30 pm.

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 20 September 2023

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below they will be deferred to the next Committee Meeting for a full presentation:

- **LA07/2023/2525/F** - Environmental improvements comprising the installation of new natural stone footpaths, improvements to existing uncontrolled crossing points, refurbishment of existing street lighting, like for like replacement of existing damaged pedestrian guard rails, installation of cycle stands and all associated works - Lands adjacent to 3-28 The Square, 1-38 Bridge Street, 1-34 Church Street, 2 Church Street, 4-8 Mary Street, Rostrevor
APPROVAL
- **LA07/2022/1335/F** - Erection of residential development and associated site works (revised scheme for 12 no. apartments (in 2 blocks) with demolition of existing dwelling on site known as 35 Rathfriland Road, Newry - 35 Rathfriland Road, Newry.
APPROVAL
- **LA07/2022/1025/F** - Attached duplex apartment in side garden of existing end terrace dwelling - 31 Hillfoot Crescent Ballynahinch.
REFUSAL

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

Application Reference: LA07/2022/1179/O

Date Received: 25/07/2022

Proposal: Erection of dwelling and detached garage.

Location: Lands approximately 8m south east of no.143 Tullyah Road, Whitecross.

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 agricultural land on the edge of the public road, the site is quite narrow and long with a rectangular shape extending from the public road to the north east. The site rises from the road edge to the rear of the site. adjacent and north of the site is No 143 which is a single storey dwelling, mature vegetation runs along the boundary between the site and No 143. To the south is No 141 a detached one and a half storey dwelling which has a garage and large shed positioned entirely to the rear of the property. The boundary with No 141 is defined to the rear by vegetation and to the front of the site by a mix of a wall and timber fence.

The site is located within a rural area, a small number of properties are within the vicinity of the site, at present the rural character of the area remains.

Site History:

P/2014/0762/O - Site for dwelling and garage - Between 141 and 143 Tullyah Road, Whitecross – Permission Refused 21/01/2015.

LA07/2021/0063/LDP - Proposed erection of a domestic garage of block construction with a corrugated metal roof on a concrete base - 143 Tullyah Road, Whitecross – Permitted Development.

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
- Building on Tradition.

Consultations:

DFI Roads – No objections.

NI Water – The latest response from NIW states that if the applicant wishes to utilise water from a borehole to supply the proposal then this would not need an NIW connection and as such there is no need for NIW to comment in relation to Water and Sewerage Services.

Objections & Representations:

The application was advertised on 17/08/2022, one neighbouring property was notified on 12/08/2022, 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 gap site which is accordance with policy CTY8.

Principle of Development

The Agent, in a supporting statement, stated that it is considered that the application fits with Policy CTY 8 of PPS 21. The application has been assessed on this basis.

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 application site has a detached dwelling adjacent and north No 143, there are no other buildings currently positioned at No 143. Adjacent and south is No 141 a detached dwelling with a garage and large shed set entirely to the rear of the dwelling.

The buildings to the rear are not clearly visible from the public road and are accessed using the driveway of No 141, these buildings are accompanying development to the rear of No 141. It is considered that there is one building on either side of the site which have a frontage with the road as the garage and shed of the adjacent property is set entirely to the rear. With regards to the garage and shed consideration must be given to their relationship with the parent building and in this case the buildings are set entirely to the rear of the dwelling and not clearly visible when travelling along the public road, the buildings to the rear of No 141 are not seen as having a frontage to the road.

The agent for the proposal has stated in supporting information that they consider the buildings at No 141 to have a frontage with the road.

Planning appeal 2017/A0204 states;

'It is correct that any building along a frontage, which policy does not distinguish between in terms of main or subordinate buildings, can contribute to a substantial and continuously built up frontage. It is not however the case that any building (my emphasis) standing on the same plot which abuts or shares a boundary with a road automatically has a common frontage to it, as cognisance must still be taken of the spatial relationship of the buildings within that plot to the actual frontage in order to determine if they form part of that substantial and continuously built up frontage.'

The garage and shed at the adjacent property are located to the rear and as such do not lay on or contribute to being part of the frontage. 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. Previous application P/2014/0762/O was refused on this application site by the Council and at that time it was also considered that the proposal failed to meet policy CTY8, the large shed was in place at the time of the previous application, the circumstances have not changed and it is still considered that there are only two buildings with a frontage to the road.

The size of the plot is seen to be in keeping with the plot size of the existing properties and have a similar frontage.

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.

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site although located on the road edge will be screened from views by existing development on either side and existing vegetation. A suitably design dwelling could be placed on the site as not to be prominent and the existing boundaries as stated will provide enclosure and help integration. As the proposal is an outline application details of any design have not been provided, it is considered that a single storey dwelling with a ridge height not exceeding 5.5 metres would be appropriate in this location. It is considered that the proposal is in keeping with Policy CTY13.

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

result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated a well-designed dwelling could integrate on the application site and not be a prominent feature. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area and a dwelling on the site would create a ribbon of development along Tullyah Road. It is considered that the proposal fails to comply with parts b and d of Policy CTY14.

Access and Parking

DFI Roads has raised no objections to the proposal subject to an acceptable site layout being submitted as part of any Reserved Matters.

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 it fails to meet the provisions for an infill dwelling and would, if permitted, result in the creation of ribbon development along Cullyhanna Road and does not represent an exception of policy.

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 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.

Case Officer: Wayne Donaldson

Date: 15/12/2022

Authorised Officer: Pat Rooney

Date: 15/02/2023

1. This is an application for a dwelling in a gap amidst an existing ribbon of development, which is provided for under Policy CTY 8 of PPS 21. Extending a ribbon of development normally runs contrary to Policies CTY 1, 8 and 14 of PPS 21 but when infilling a small gap in a built up frontage, this qualifies as an exception.
2. To obtain permission for a dwelling in a gap, a site must be located within a line of at least three buildings. 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 issue here is that a large shed is offset, behind a dwelling but projecting beyond its sides.
3. The settled position of the PAC is that this definition is inclusive. It is not limited, definitive or exhaustive. Other possibilities and permutations exist.
4. The Policy is simply and plainly worded. It rules out nothing. It does not say that a line must be straight or that it must be unbroken. Importantly, for this applicant, it does not state that all three buildings to either side must be located on their own individual plots or that buildings must be aligned in any particular way on their respective plots.
5. The PAC has a very simple approach to this issue: a building has a frontage if the plot on which it stands abuts or shares a boundary with the road. Its view is that accompanying development to the rear is not a determinative issue, because the definition only includes situations without accompanying development to the rear: it does not exclude them.
6. CTY 8 makes no reference to the size of the buildings, nor where they must be situated. It makes no mention of them being main or secondary buildings, or if two buildings can or cannot be sited beside or behind each other if on the one plot. It does not indicate they should have own curtilages or access, nor that they should have a particular impact when viewed from the front. The policy does not state that buildings should be prominent or that they cannot be ancillary or subordinate even.
7. Members will note how much has been spoken about what the Policy does not say. That is for good reason: the policy offers a single potential definition and Members are free to apply their own judgement beyond that.
8. In appeal 2016/A0066 the PAC ruled that *in using the word "includes" in the definition of a substantial and built up frontage Policy CTY8 sets a baseline for acceptable forms of infill development. In doing so it does not exclude situations where there is accompanying development to the rear. In that appeal a garage was located close to the dwelling and was "barely discernible". "It nonetheless is detached and I therefore accept that it represents a separate building with a frontage to the road as does the dwelling itself"*.
9. The planning department has adopted a strict position, for unknown reasons. It is not protecting the character of the area, because there is an existing ribbon of development that will remain suburban whether this application is approved or not.
10. In application LA07/2022/1078/O, a case at Annalong, the Council actually "welcomed" a submission that highlighted the PAC's approach: i.e. *"I note nothing in Policy that distinguishes between in curtilage buildings, such as the garage associated with 133 Tullybrannigan Road, and individual road frontage buildings on separate plots. Consequently, the garage is a building with a frontage to the road for the purposes of this Policy"*. The Council commented that *"it is further acknowledged that PAC decision 2017/A0109 supports this position, confirming that there is no differentiation between a main or subordinate building for the purpose of CTY 8 and clarifies that a building has frontage to a road on which it stands abuts or shares a boundary with the road"*. It was also acknowledged that *"The Planning Department do not dispute the PAC ruling"*. If the PAC rulings were not disputed in the aforementioned case, why dispute it here? Put simply, the issue is that the shed is behind the house and officers feel that a shed behind a house cannot be taken into account, if it is an ancillary building / if it does not have its own access and / or if it cannot readily be seen from the road. The PAC have a settled position: that none of these issues matter, hence Members are free to apply their own judgement in this assessment.

11. The buildings the applicant relies upon are 141 and 143 Tullyah Road and a large shed to the side and rear of 141. Officers state the shed cannot be relied upon, wrongly indicating it is “wholly to the rear”. Factually, the shed is located to the side and rear. It is so substantial it occupies the entire width of the plot.
12. Officers state that the buildings to the rear of 141 “are not clearly visible from the public road and are accessed using the driveway of No 141”, and that these buildings are accompanying development to the rear of No 141. However, CTY 8 has no written or implied requirement that the buildings must actually be visible from the road. The contentious building is free standing. It is of considerable permanence and some longevity. It falls within the statutory definition of a building and given the extent to which it dominates the dwelling, it cannot be excluded from this assessment. Since Policy CTY 8 has no written or implied requirement to have an individual access, the shed to the rear of 141 cannot be discounted easily especially when its footprint is more than double that of the house (which is a substantial building in its own right) – the shed is almost 5000 sq ft. It is far from an ancillary or subservient domestic structure.
13. Officers feel that consideration must be given to the relationship with the parent building and in this case the buildings are purportedly set entirely to the rear of the dwelling and are supposedly “not clearly visible when travelling along the public road”. Members are reminded that this is not actually how the Policy was written nor is it how it was intended to be applied. The PAC, in appeal decision 2017/A0204 state: *“It is correct that any building along a frontage, which policy does not distinguish between in terms of main or subordinate buildings, can contribute to a substantial and continuously built up frontage”*. Whereas the PAC suggest, and what officers appear to rely upon, is that *cognisance must still be taken of the spatial relationship of the buildings within that plot to the actual frontage in order to determine if they form part of that substantial and continuously built up frontage*, Members will note the relationship between the shed and house: the shed dominates the house; it is very distinguishable from the house; it evidently has a different purpose (that may not be domestic even given its metal-clad finish) so again Members are perfectly free, indeed are compelled to apply their own judgement in this matter.
14. Officers refer to a previous refusal on the site: P/2014/0762/O. Significantly, the assessment of that application was silent in relation to the shed. Further, the decision was substantively taken by the former planning authority with the new Council simply issuing the paperwork. Members are therefore free to determine this application as they see fit, in this evidential context, and are not bound by the previous refusal. Contrary to what has been suggested in the planning report, circumstances have now changed.
15. PAC decision 2018/A0208 is another useful reference, and it has been mentioned by the applicant but not rebutted. It also confirmed that *“irrespective of the orientation on the plot, a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road”*.
16. In closing, of the 4 tests laid out in Policy CTY 8, three are not contentious. Everything rests on whether the large shed at 141 can be taken into account.
17. The shed reads as neither an ancillary nor a subordinate building. It clearly contributes to this substantial and continuously built-up frontage. Incidentally, as the site offers no visual break or relief from the developments to either side, it is not worthy of special protection.
18. Members are free to apply their own judgement and the weight of evidence, including PAC decisions, combined with the sheer size, shape, bulk, materials and finishes of the subject shed suggest it cannot be excluded.
19. The applicant possesses a Certificate of Lawfulness for a garage at the side of his property. If the Committee saw the site but did not accept the shed at 141, the applicant could build the approved garage to leave no doubt that there are at least three buildings on this frontage. A brief deferral would resolve that. That would not delay this application significantly, and would be pragmatic.
20. We would close by thanking you for your time and consideration in this matter and are happy to take questions.



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

Application Reference: LA07/2022/0819/F

Date Received: 23.05.2022

Proposal: Proposed Rear Extension

Location: 7 Courtney Hill Newry, Newry

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located within the settlement development limit as defined within the Banbridge, Newry and Mourne Area Plan 2015 (Map 3/02a Newry City). The application site has been screened using online tools for any historic and natural environment designations. There are no historic or natural environment designations on the application site.

1.2 The dwelling is located within a densely residential area and is a two-storey terrace property. There is private amenity space to the rear of the dwelling. There is no off-street parking associated with the development. The application site is enclosed to the rear via a wooden fence. The application site shares common boundaries with properties either side numbers 5 and 9. It was noted that number 5 Courtney Hill benefits from a single storey extension to the rear of their property upon which occupies an end plot. The application site benefits from private amenity space to the rear of the property.

Image 1 Photograph of the application site (rear upon which the proposal relates)



1.3 The proposal (revised scheme) incorporates a split-level scheme with the first portion of the extension two storey and the second portion of the extension remaining single storey. The proposal is to provide for two bedrooms at the first-floor level and an extended kitchen and dining area at ground floor.

2.0 Planning Policies and Material Considerations

2.1 This planning application has been assessed against the following policy:

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS7 (Addendum) Residential Extensions and Alterations Policy EXT 1

3.0 Site History

3.1 There are no known planning applications on the application site.

4.0 Consultations

4.1 Due to the nature of the application as an extension it was not necessary to consult on this application.

5.0 Objections and Representations

5.1 9 Neighbours were notified as part of the application process. The application was advertised on the 21st and 22nd June 2022. No objections have been received to date (20.04.2023).

Correspondence with the Agent/Applicant

5.2 Following initial assessment of the proposals, an email was issued to the Agent on the 10th October 2022 upon which highlighted the Planning Departments concerns with regards to dominance and loss of light/overshadowing. Further details were requested in terms of levels and cross sections. Concerns were also raised with regards to the proposal which initially was a three storey rear extension. Following the sending of this email there have been a number of iterations of the plans and rebuttal received from the Agent including a letter from the 22nd September which set out the amendments made to the scheme. The Agent referred to paragraph A37 of the addendum to PPS 7 with regards to the loss of light setting out *not however a rigid standard which must be met in every case*.

5.3 Further correspondence was received from the Agent on the 8th December 2022 upon which the Agent provided a diagram indicating the path of the sun during summer and winter. The Agent set out that it would not be possible for the proposed extension to create any overshadowing or loss of light on the existing dwelling of number 9 Courtney Hill. The Agent set out that the overshadowing and loss of light to the bedroom at ground floor in no 9 Courtney Hill is created by its own rear return.

6.0 Assessment:

Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

6.2 As there is no significant change to the policy requirements for the proposed alteration and extension of a dwelling following publication of the SPPS, the retained planning policy is PPS7 addendum Residential Extensions and Alterations. This policy will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS7 (Addendum) EXT1: Residential Extensions and Alterations

6.4 Policy EXT1 of PPS 7 (Addendum) states that permission will be granted for a proposal to extend or alter a residential property where specific criteria are met. As set out above this application is for a rear extension to the dwelling. The rear extension is part two storey part single storey as revised. The proposal is to provide for two bedrooms on the first floor and an extended kitchen and dining area to the ground floor.

Scale, Massing and Design

6.5 The proposed extension is to be located to the rear return of the dwelling. The proposal has a stepped down aesthetic with the first 3.2m of the extension two storey with an 8m ridge height and a further 1.8m of extension at a 5.5m ridge height. In totality the extension is to extend out from the rear return by 5m and has a width of 5.5m. No finishes have been provided by the Agent however, it would be considered that via the study of drawings these are to match the current dwelling. It is considered that the two-storey element appears to be dominant and overbearing on the application site especially when taken into context on the neighbouring properties. It is therefore considered that the design of the proposed extension is considered inappropriate and overbearing. The two-storey element to the proposal creates unnecessary massing within the application site and surrounds.

Impact on Character of the Surrounding Area

6.6 Having considered the character of the area, it is considered that the character of the area is densely residential with many two storey terraced dwellings located. The application site shares a common boundary with number 5 and number 9 Courtney Hill. It was noted that number 5 (end terrace) has a single storey rear extension. Number 9 does not have an extension to the rear and does have a slight step to its rear return. Having considered the surrounding area it is considered that an extension of this scale and massing would be out of character and would pose a detrimental precedent within the surrounding area. It is considered that the proposal appears overbearing within the context of the application site, immediate neighbouring dwellings and within the surrounding area.

Privacy/Overlooking

6.7 As set out previously the application site is located within a densely populated residential area, comprising a mid-terrace property sharing common boundaries with both number 5 and number 9 Courtney Hill. The proposed extension is to be located along the common boundaries. It is evident and illustrated in the extract from drawing number 3292 PL FP Rev B that number 5 has a single storey rear extension in place. Number 9 does not have any extensions to the rear. The layout and build of number 9 show a stepped rear return to the dwelling. This is illustrated via a red circle in image 2 below.

The proposed extension only includes glazing on the rear return, with both side gables blank, thus it is considered no unacceptable overlooking will result. Each property currently has habitable room windows along the rear returns at present, and it is considered the extension and associated layout will not exacerbate any overlooking which exists at present. The separation distance to the rear boundary is considered sufficient to prevent any unacceptable overlooking on any property beyond.

Dominance/Overshadowing/Loss of Light

6.9 With regards to dominance, overshadowing and loss of light a light test has been conducted as a means of assessing potential impact, and it is evident that the proposal fails the light test.

In respect of no.9, a light test was conducted from the centre point of the downstairs (Ground floor) bedroom and kitchen windows. Guidance contained within the Addendum to PPS7 recommends an angle no greater than 60 degrees for single storey extensions and 45 degrees for 2 storey extensions. As the proposed extension is part single storey and part 2 storey, two separate light tests were required to assess the potential impact on these ground floor windows.

The light test for both of these habitable room windows exceeded this recommended guidance, most significantly for the bedroom.

(Note: The plans submitted by the agent indicate this ground floor bedroom is a store/study, however having spoken with the neighbour, it is confirmed this window and room is a bedroom).

A light test was also undertaken for the first floor windows along the rear return of no.9. The plans submitted in this respect are again incorrect as the closest window to the common boundary is in fact a bathroom, with a bedroom window sited the furthest point from the boundary.

The Addendum clarifies that a bathroom is not a habitable room, while a bedroom is. The light test undertaken indicates no significant concerns regarding these first floor windows.

In respect of no.5, this adjoining property already has a single storey extension to the rear which will tie in with the footprint of the single storey extension proposed. The side gable of this extension at no.5 facing the application is blank. Accordingly, the windows along the rear return of this single storey extension will not be impacted on the ground floor level by this proposal.

A light test however must be undertaken to assess any potential impact on the first floor windows on the original rear gable of this property (No.5). The light test undertaken indicates the proposed extension will marginally fail the guidance.

It is acknowledged the light test provided in the Addendum to PPS7 is only guidance and circumstances may vary between sites. However this guidance is a tool which is now widely used in assessing all proposals for extensions.

Having assessed the circumstances in this case, it is considered the proposed extension will not result in any unacceptable impact on the amenity of no.5 in terms of overshadowing, loss of light or dominant impact.

However, it is considered the proposed extension, which fails the light test guidance, will result in an unacceptable impact on the amenity of no.9, in terms of overshadowing, loss of light and dominant impact. Of particular concern is the impact on the ground floor kitchen and bedroom windows, which are both habitable rooms and which are both only served by these windows.

These concerns were raised with the agent at an early stage, and while it is acknowledged the scheme has been reduced, significant concerns remain whereby the proposals are considered contrary to policy. A significant reduction in the proposed footprint is required to overcome the concerns of the Planning Dept.

Image 2 Extract from Drawing 3292 PL FP Rev B Existing Floor Plan

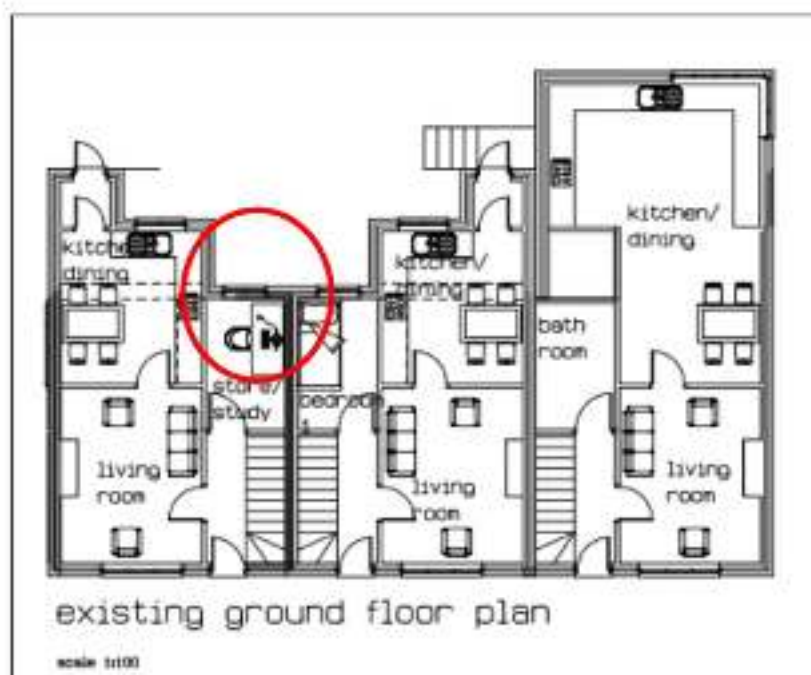


Image 3: Proposed plans



Image 4: Original Scheme (For Info.)



Loss or Damage to Trees/ Landscapes

6.8 There is no loss or damage to trees or landscape features which contribute significantly to local environmental quality as a result of this proposal.

Impacts on amenity space within the curtilage of the property

6.9 It is considered that there would remain adequate space in the rear garden for the enjoyment of normal domestic activities.

In summary having considered the application against the Planning Policy Addendum to PPS 7 it is considered that the proposal fails for the refusal reasons set out below.

7.0 Recommendation Refusal

7.1 Drawings in which the application relates to 3292 PL FP Rev B (revision dated 22nd September 2022)

Reasons:

- 1. The proposal is contrary to policy EXT 1 of the Department's Planning Policy Statement 7 Addendum: Residential Extensions and Alterations in that it will unduly affect the amenity of neighbouring residents by reason of loss of light, overshadowing and dominance**
- 2. The proposal is contrary to policy EXT1 of the Department's Planning Policy Statement 7 Addendum: Residential Extensions and Alterations in that the extension would appear as an overly large addition which would not be sympathetic to the built form and appearance of the existing property and would detract from the established pattern of development and the character of the surrounding area.**
- 3. The proposal is contrary to policy EXT1 of the Department's Planning Policy Statement 7 Addendum: Residential Extensions and Alterations in that the extension would be unduly dominant when viewed from the rear garden areas of nos 5 and no 9 Courtney Hill.**

Case Officer Signature: Roisin McGrane

Date: 20.04.2023

Appointed Officer Signature: M Keane

Date: 20-04-23



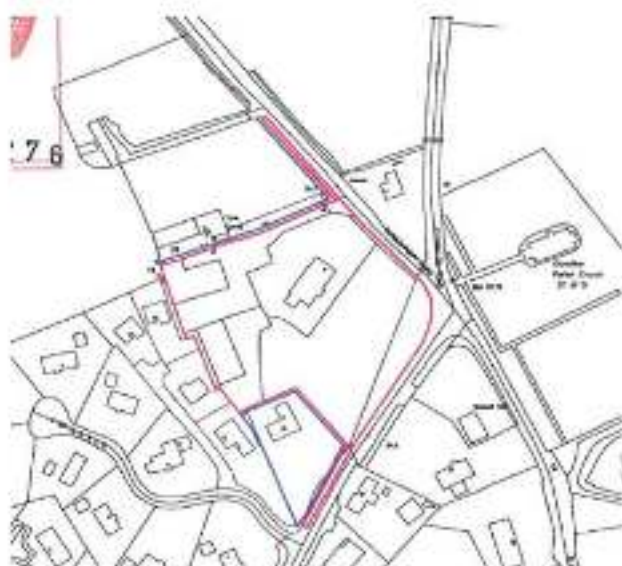
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0276/F

Date Received: 13/02/2022

Proposal: Demolition of existing buildings and erection of 10 houses

Location: Lands at 4 Donaghaguy Road, Warrenpoint, Newry, BT34 3RZ



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red form an irregular shaped site located at the address known as Donaghaguy Road. The site rests adjacent to the junction of Donaghaguy Road, Clonallon Road and Rath Road. There are several built structures within the development site including a single storey dwelling, a derelict barn with no roof, and two flat roof garages with corrugated metal roofs. There is a block built barn and building and a Dutch style barn both with corrugated metal roofs. The site measures approx. 0.8 hectares and the area of greenspace was in use for grazing sheep. The dwelling is located to the north of the site in a centralised position, all outbuildings are located to the east. In terms of topography the site is

relatively flat, primarily consisting of grassland in an improved condition. Access to the site is located via the Donaghaguy Road with a laneway running along the northern boundary. The site at present is considered quite exposed when observed from the south and east. The red line also includes what appears to be a sizeable grass verge. In terms of boundary treatments, the south eastern is defined by ranch style timber fence, post and wire fencing to the north east and hedgerows to the south west and north.

Characteristics of area: The subject site is located within the settlement limits of Warrenpoint in unzoned white lands. The site is located just inside the eastern boundary of the settlement as shown on Map No. 3/06a. The site is located opposite a Local Landscape Policy Area. The site is surrounded by a mixture of land uses consisting of residential development to the south and west, Church of Ireland to the east, Cemetery and Gospel Hall to the south. The dwellings within the immediate vicinity are characterised by detached dwellings within medium density plots. It is noted that there is no prevailing house type design. The Church of Ireland Clonallan Parish Church is a Grade B+ listed building.



Views onto site from Clonallan Road



Views onto site from Junction at Rath Road

Site History:

P/2002/1167/F - Erection of dwelling. No.4 Donaghaguy Road, Clonallon, Warrenpoint. Permission granted.

P/1976/0896 - Proposed Renewal of Planning Permission For Extension To Dwelling. Carrickbracken, Camlough, Newry.

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

AMP 7 - Car Parking and Servicing Arrangements

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 7 – Quality Residential Environments

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

PPS8 – Open Space, Sport and Outdoor Recreation

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

Consultations:

NI Water – Wastewater Treatment Facilities (Newry WwTW) are presently available to serve this proposal. However, there is Downstream Incapacity. A Network Capacity Check (NCC) is required.

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. The planning condition requires the submission of final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval along with written confirmation from NIW stating that they will adopt a drainage network that will attenuate the 1 in 100 year storm event.

Environmental Health (NM&D) – No objections.

Northern Ireland Environment Agent (NIEA) –

Natural Environment Division - has considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal.

Water Management Unit and Inland Fisheries - Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to wastewater treatment works (WWTW).

Shared Environmental Services (SES) – Having considered the nature, scale, timing, duration and location of the project it is concluded that the proposal will not have an adverse effect on site integrity of any European site.

Historic Environment Division -

Historic Monuments - Content 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 – Content with scheme subject to the units 1-4 being constructed with higher quality window and French door specification.

Objections & Representations:

Throughout the assessment of this application a total of 11 Neighbours within close proximity of the site were notified at various dates most recently 06/10/2022. Again, due to a number of revisions scheme, this application was advertised in the local press on 09/03/2020, 11/03/2020, and 06/06/2021.

No representations have been received to date (04-09-23).

Consideration and Assessment:

Summary of Proposal

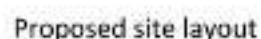
The proposal seeks full planning permission for the erection of 10 detached dwellings.

The scheme initially sought the erection 13 detached dwellings. Having carried out an early assessment of the proposal, the planning department were of the opinion that the proposed layout constituted over development of the site and the density must be reduced. Case officers noted the existing pattern of development, plot sizes and spacing of exiting dwelling in the immediate vicinity.

Furthermore, having considered the existing character in the vicinity of the site, the agent was requested to revise the layout of these dwellings, whereby they are designed to front onto Clonallon road. The initial design with rear gardens projecting onto the public road was not considered appropriate as it fails to respect the surrounding context. The agent (Mourne Architectural Design) agreed to revise the scheme by reducing the number of units to 10 and reconfiguring the entire scheme to address the concerns the planning department raised. The latest submission of drawings will be formally assessed below.

In terms of design a new estate road will be formed along the Clonallon Road which will run north west through the centre of the site. A row of 5 dwellings will run along the left-hand side and a row of 3 dwellings will run along the right-hand side. An additional 2 dwellings will front onto Donaghaguy Road, each with an individual access. The scheme proposes a mixture of house type design varying between storey and half Chalet type to traditional 2 storey dwellings (maximum ridge height of 7.5m – units 1-4). Given the level topography of the site, differences in finished floor levels are minimal (1200mm) with the highest being to the rear. The dwellings will provide between 4-5 bedrooms.

A belt of woodland planting is proposed 8.0m wide along the entire northern boundary, which forms the settlement limit boundary. This will be conditioned. Each dwelling will have generous sized plots and garden areas. The proposed materials and finishes for dwellings 1-4 (fronting onto Clonallon and Donaghaguy Road) consist of Roof :- Dark Blue Slate, Downpipes & gutters :- Profiled heavy duty cast



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. The site is located within the development limit of Warrenpoint/Burren. The site is located on unzoned white lands as such no key site requirements for this site.

The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this. The site is Mournes and Slieve Croob Area of Outstanding Natural Beauty, opposite a Listed Building as such the provisions of PPS2 and PPS6 will apply.

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. As this proposal is increasing housing provision within the Warrenpoint/Burren area in a sustainable manner, it would be in line with the regional housing policy of the RDS.

SPPS & PPS 12 – Housing in Settlements

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal complies with these as it will increase the housing density in this area without erosion of local character, environmental quality or amenity. The proposal is considered a sustainable form of development as it is within a defined settlement. There are local facilities and services available. No specific need for social housing has been identified.

PPS 7, Policy QD 1:

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

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

This proposal is considered to respect the surrounding context and is appropriate to the character and topography in terms of its scale, density, layout, proportions, landscaped area and open space. Case officers consider that this proposal is appropriate to the existing character (large detached dwellings on spacious plots, with no prevailing house type design).

The density of the proposal is approximately 12.5 units per hectare, which is not inappropriate for this urban context. The proposal will provide soft green spaces to the front of each dwelling, with hardstand predominately along the side of each dwelling.

The units fronting and visible from the public road comprise larger more spacious plots with smaller plots behind. The general layout and low density of development which is located at the entrance of the settlement limit is considered to be in keeping with the character of the area. This is an important site linking the countryside with the settlement of Warrenpoint, and it is considered the revised scheme takes account of this and that proposed is acceptable.

In terms of proposed boundary treatments the principal boundaries (Clonallon Road and Donaghaguy Road) which abut the public footpath will consist of 1200mm high black metal railings. Behind these metal fences privet hedging is proposed. Internally along the estate road there is pin kerb boundaries. The internal side and rear boundaries will be defined by 1.8m high vertical sheeted timber fencing. Existing boundaries to the west are to be retained (mixture of Leylandii Type hedging, close boarded timber fencing and rendered block walls). A belt of woodland planting is proposed 8.0m wide along the entire northern boundary. The existing grass verge which runs along the Clonallon Road will be retained and maintained by a management company.

It is considered that the scheme submitted has a suitable layout, and the scale, proportions, massing and appearance of proposed dwellings, fencing, walls as well as the hard and soft landscaping that will complement the existing character. Hard surfacing has also been reduced to the necessary standards to secure a safe and accessible road network and parking arrangement. The proposal is considered to be in keeping with the established urban grain, density and the overall surrounding context.

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

The application site is within close proximity to HB16 12 015 - Clonallan Parish Church, Clonallan Road, Warrenpoint, Newry, a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Having carried out consultation with HED Historic Buildings, HED considered the proposal does not represent a demonstrable negative impact on the setting of the listed buildings. Historic Buildings did request that in line with Policy BH11 of PPS6, that the works proposed make use of traditional or sympathetic building materials and techniques that respect those found on the nearby listed building. Having discussed this response with the agent and HED, it was accepted that only the dwellings 1-4 be constructed with higher quality window and French door specification (detailed on most recent drawings associated with House Type A).

HED Historic Monuments) note the considerable age of Clonallon Parish Church, a site of a multi-period church site with origins in at least the medieval period. As the extent and limits of the medieval church site is currently unknown the application site has potential to contain associated below ground archaeological remains which may be impacted upon during construction works. The development site is green field which increases the possibility of the survival of archaeological remains. Consequently, archaeological mitigation is required in advance of construction works as per the attached condition. subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works HED is content.

(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. The proposal provides generous rear gardens which will provide an adequate standard of private amenity space, far exceeding the standards laid down in Creating Places (70m²). (This target is set for Greenfield sites, whereas this a brownfield development, therefore in this instance a degree of relaxation could be justified if necessary).

All 10 units provide sufficient space to allow for future extensions or adaptations if necessary. Creating places recommends that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. Case officers note that a number of units proposed fall slightly short of this 10m requirement (units 1,7,& 8). Whist the distance to rear boundary from plot 8 is approx. 8m at its minimum, it is noted this unit will set 1.70m lower than adjacent 12 Ferndale, as such is considered acceptable for this form of development.

As application site is located at the edge of the settlement limit, a belt of buffer planting 8m wide was required along the entire northern boundary to help assimilate and soften its impact on the countryside. The agent revised the scheme accordingly. All boundary treatments as described above are considered acceptable.

(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;

Three car parking spaces are provided within the curtilage of each dwelling. The Council is satisfied that this is in keeping with the area.

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

The dwellings have simple design, with a standard pitched roof construction, a chimney stack will project from the edge of each ridge. The materials and finishes will be constructed from traditional and sympathetic materials consisting of Roof :- Dark Blue Slate, Downpipes & gutters :- Profiled heavy duty cast aluminium, External doors :- Hardwood Painted, Windows & French doors :- Cream Timber effect PVC and Walls :- White/Cream smooth Plaster. Units 1-4 will have timber framed windows as per HEDs request. This proposal draws upon the positive aspects of the character and appearance of the surrounding area.

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

The design and layout of the proposed, dwellings windows, the proposed topography, separation distances between new and existing properties and the proposed new planting are all considered acceptable and will not create conflict or result in any unacceptable impact with any existing or proposed residents in this urban context.

The siting, orientation and levels of the dwellings proposed are considered acceptable and will not negatively impact on existing dwellings. Creating spaces states that on green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable.

Case officers note that a number of units proposed fall slightly short of this 10m requirement (units 1,7,& 8). Whist the distance to rear boundary from plot 8 is approx. 8m at its minimum, it is noted this unit will set 1.70m lower than adjacent 12 Ferndale, on balance is considered acceptable for this form of development. The side gable window of no. 12 Ferndale has been noted. The siting of unit 5 has been considered and given the storey and half construction and no upper floor windows to the south, the proposal is not expected to cause any undue adverse impacts on neighbouring no. 76 Clonallon Road in this urban context.

For the scheme to be brought up to adoption standards, adequate lighting is required to DfI Road standards to ensure a safe living environment is provided. Street lights will be provided by way of condition be providing an additional safety measure to the area.

On balance, taking into account the above, it is considered the proposed development will not create conflict with adjacent land uses and there will be no unacceptable amenity impact on surrounding dwellings as a result of overlooking or loss of light given the separation distances, orientation and surrounding types of development. Environmental Health have been consulted regarding the proposal have no objections to the scheme.

(i) 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 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;

Given the plot size of each dwelling is comparable to those within the immediate vicinity, the proposal is considered to be in keeping with the established urban grain, density and the overall surrounding context. The proposal meets the requirements of this criterion.

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

The pattern of development (detached dwellings mixture of ridge heights), in-curtilage parking to front, is in keeping with the character and environmental quality of the area.

(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 proposal involves the demolition of a dwelling and associated outbuildings, which could have an impact of Bats and other protect species, as such the provisions of NH 2- Species Protected by Law apply.

NH2 states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. The presence of species protected by legislation is a material consideration when a planning authority is considering a development proposal that if carried out, would be likely to result in harm to the species or its habitats.

At the request of the planning department a Preliminary Ecological Assessment and subsequent Bat Roost Potential Survey. The council carried out consultations with Natural Environment Division (NED) who acknowledges receipt of all ecological materials associated with the site. There are 5 built structures within the development site. They have been named Buildings A-E in the report. Building A is a modern single storey bungalow, building B is a derelict barn with no roof, building C is two flat roof garages with corrugated metal roofs. Building D is a block built barn and building E is a Dutch style barn both with corrugated metal roofs. All buildings A-E on site were assessed as having negligible bat roosting potential. NED are content with the results of the bat roost potential survey assessment that overall, this site has a negligible potential to support bats.

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

PPS 3 – Access, Movement and Parking

Throughout the assessment of this application DfI Roads had been consulted on a number of times (8 occasions) 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.

As stated above, it is considered parking provision for each unit is sufficient. The site indicates 8 units will use the same entrance road and shared access on to the Clonallon with the exception of units 1 and 2 which will have a paired access from

the Donaghaguy Road. The development includes a footpath within the site and also along the site frontage (2m wide), with internal access road width of 5.5m, and 10m radius at the site entrance from Clonallon Road, with splays of 4.5m by 60m in either direction, which is deemed acceptable by DfI Roads in this instance.

PPS 6 – Planning, Archaeology and the Built Heritage

The application site is within close proximity to HB16 12 015 - Clonallon Parish Church, Clonallon Road, Warrenpoint, Newry, a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Having carried out consultation with HED Historic Buildings, HED considered the proposal does not represent a demonstrable negative impact on the setting of the listed buildings. Historic Buildings did request that in line with Policy BH11 of PPS6, that the works proposed make use of traditional or sympathetic building materials and techniques that respect those found on the nearby listed building. Having discussed this response with the agent and HED, it was accepted that only the dwellings 1-4 be constructed with higher quality window and French door specification (detailed on most recent drawings associated with House Type A).

HED Historic Monuments) note the considerable age of Clonallon Parish Church, a site of a multi-period church site with origins in at least the medieval period. As the extent and limits of the medieval church site is currently unknown the application site has potential to contain associated below ground archaeological remains which may be impacted upon during construction works. The development site is green field which increases the possibility of the survival of archaeological remains.

Consequently, archaeological mitigation is required in advance of construction works as per the attached condition. subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works HED is content.

PPS 15 – Planning and Flood Risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.

FLD 1 - The Flood Hazard Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD 2 - Not applicable to the site based on information provided.

FLD 3 – Due to the size and nature of the development (residential development comprising 10 dwelling units) FLD3 of PPS15 applies. As such, the agent submitted a drainage assessment. Having carried out two formal consultations with DfI Rivers, in the latest response dated 09/09/2020 DfI Rivers stated;

DfI Rivers, while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. DfI Rivers PAMU cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

DfI Rivers requests that the planning authority includes the following Condition as part of its planning permission if granted.

Condition - The drainage assessment states that this is a preliminary design and it is proposed to attenuate more than the 30 year event in the drainage network therefore, prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval along with written confirmation from NIW stating that they will adopt a drainage network that will attenuate the 1 in 100 year storm event.

FLD 4 – Not applicable to this site.

FLD 5 – Not applicable to this site.

Water/ Sewerage

There is a public water supply as well as foul and surface water sewerage available within 20m of the site. In their latest comments Northern Ireland Water, in terms of Wastewater Treatment Facilities (Warrenpoint WwTW) are presently available to serve this proposal. There is a 150mm Storm Sewer on Clonallon Road which can serve this proposal at a Storm Discharge Rate of Greenfield Runoff 10 l/sec/ha

However, there is downstream incapacity accordingly a Network Capacity Check (NCC) is required. NI Water have outlined that there is downstream incapacity in the Warrenpoint Catchment and recommend that no further connection should be made to this network until the mandatory Sewer Adoption Agreement has been authorised by NIW.

NIW advised a waste water impact assessment was require. And that NIW will assess the proposals to see if an alternative drainage or treatment solution could be agreed.

The agent has engaged with NIW whereby a waste water impact assessment was submitted, and remains ongoing between parties.

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

Recommendation:

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

Approval is now recommended subject to conditions.

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 01, 02, 002-Rev-G, 003-Rev-H, 004-Rev-G, 005-Rev-B, 02a-Rev-C, 02Rev-C, 03-Rev-A, 14-Rev-A, 15 & 16.

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

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 003-Rev-H, bearing the date stamp 17th June 2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 003 Rev H Dated 17th June 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

6. No dwelling(s) shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 space per dwelling outside the curtilage of the dwelling(s)).

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

7. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

8. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

9. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section. (These works will be carried out entirely at the developers expense.)

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

10. 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 Newry, Mourne and Down District Council 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.

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 10.

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

12. 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 10. These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

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.

13. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval along with written confirmation from NIW stating that they will adopt a drainage network that will attenuate the 1 in 100-year storm event.

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

14. No construction to be made, trees planted, or other obstruction made within
 - 3m (or 1.5 times the depth whichever is greater) of sewers,
 - 4m (or 1.5 times the depth whichever is greater) of watermains

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

15. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with Drawing No 002-Rev-G Proposed Plan – Landscape and Details and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

16. All areas of public open space and communal landscaping as shown on the approved drawings shall be maintained in accordance with a Landscape Management and Maintenance Plan to be submitted to and agreed in writing with the Planning Authority prior to the occupation of any part of the residential development hereby approved. The Plan shall cover a minimum period of 25 years. Should the Management Company dissolve at any stage, then a new Management Company shall be appointed, and a new Management and Maintenance Plan shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure the successful establishment and long-term maintenance of public open space and landscaping in the interests of visual and residential amenity.

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

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

18. All other hard and soft boundary proposals including fencing for each unit shall be completed prior to the occupation of the unit it serves which shall be permanently retained thereafter.

Reason: In the interests of visual and residential amenity.

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

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

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

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

21. The finishes of the units hereby approved shall include the following:-
Units 1-4, dark blue slates roof, profiled heavy duty cast aluminium RWG's, hardwood painted doors, cream timber doors and windows, and white/cream smooth plaster walls.

Reason: To protect the character of the area and setting of the adjacent listed building.

<p>Case Officer Signature: M Keane</p> <p>Date: 04/09/2023</p>
<p>Appointed Officer Signature: Pat Rooney</p> <p>Date: 04.09.2023</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2525/F

Date Received: April 2023

Proposal: Environmental improvements comprising the installation of new natural stone footpaths, improvements to existing uncontrolled crossing points, refurbishment of existing street lighting, like for like replacement of existing damaged pedestrian guard rails, installation of cycle stands and all associated works.

Location: Lands adjacent to 3-28 The Square, 1-38 Bridge Street, 1-34 Church Street, 2 Church Street, 4-8 Mary Street, Rostrevor.



1. Site Characteristics & Area Characteristics:

The site outlined in red extends to comprise a section of lands in the central area of Rostrevor Village. These lands extend to include a section of The Square area, Bridge St, Church St and Mary Street.

This site is located within the settlement limits of Rostrevor and also within the boundary of the Conservation Area, AONB, and an Area of Archaeological Potential. It is also noted there are a number of Listed Buildings in the immediate environs of the site. The general topography of the lands within the village and proximity to the river are also noted.

2. Site History:

A history search has been carried out for the site and surrounds, whereby the most relevant history observed includes the following:

P/2000/0013/F at The Square, Church Street, and Bridge Street, Rostrevor for Environmental improvements including alterations to carpark, amenity area, footways and carriageways. Approved

P/2010/0542/F at 1-5 Sangsters Court, Rostrevor for the Erection of new street cabinet to facilitate provision of new fibre optic infrastructure across the BT network. Cabinet dimensions approx. 1600mm high *1200mm wide 450mm deep. Approved.

LA07/2022/1181/F- The Square, Paving works (granite sett paving and resin bound surfacing) Replacement of wooden slats on existing seats. Engraving of letters on

existing seats, Wrapping existing service boxes with vinyl artwork (content to be confirmed by council). Approved

LA07/2022/1869/PAD- The Square, Bridge Street, Church Street, Church Street, and Mary Street, Environmental Improvement Scheme.

LA07/2023/2337/F- The Square, Mary Street, Rostrevor, Proposed installation of a sculpture of Tom Dunn (hedge school teacher) in between two granite benches. Approved

3. Planning Policies & Material Considerations:

This application will be assessed under the following policy documents and guidance:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8: Open space, sport and recreation
- Planning Policy Statement 15- Planning and flood risk

4. Consultations:

Having account the nature of the proposals, location of the site and associated designations, consultation was undertaken with HED, DfI Roads, and Environmental Health.

Historic Environment Division (HED): No objections in principle.

DfI Roads: No objections in principle

Environmental Health: No objections in principle

5. Objections & Representations

In line with statutory requirements the application was advertised in the local press, and a round of neighbour notification was undertaken, all in May 2023.

1 representation has been received to date (01-09-23), which sought clarification regarding the corner of Water St and Church St and Bridge St, and if the walkway was being closed off.

Further correspondence was received from the agent in this regard, advising that the development provides a betterment to the existing arrangement at Water Street and

Church Street. This includes the creation of a new footpath outside the Kilbroney Bar, which currently only has a 'footpath' demarcated by white lining. The new footpath is provided in the interests of public safety and DfI Roads are in agreement with this approach. Regarding the reference to "the walkway from Water St onto Walkway at Bridge Street", it was confirmed no works are proposed here, and it was assumed Bridge Street was confused with Church Street in the representation.

6. Consideration and Assessment:

Proposals.

The application seeks full permission for environmental improvements to the central area of Rostrevor Village, extending from The Square, along a portion of Church St, Bridge St, and Mary St.

These works include:-

- the installation of new natural stone footpaths,
- improvements to existing uncontrolled crossing points,
- refurbishment of existing street lighting,
- like for like replacement of existing damaged pedestrian guard rails,
- installation of cycle stands and associated works.

The lands subject of this application extend from the junction with the Greenpark Rd in a NE direction to include the existing car park and Square area, and then continue along Church Street and ends just passed the junction with Cherry Hill/Water Street. The site outlined in red also extends along Bridge St, from the junction opposite the car park (Church Street) to the junction of Water Street and ends before the bridge.

The paving includes granite flags, setts and kerbing, with tactile paving at the crossing points. There are several existing small pockets of asphalt surfacing and cobble surfacing at vehicular entrance points, which it is proposed to be retained as is.

A footpath is also being formalised along Church Street up to the junction with Water Street.

The guardrails at the junction of Bridge street and Church street are to be repaired, painted and refurbished.

A number of existing lighting columns are to be retained and painted, with new lighting also proposed. The new lighting columns are to be replaced in the same

location and will be the same size (6m high), and will comprise stylage lanterns (painted dusty grey).

Existing street furniture including seating and bins are to be refurbished, with a cycle stand also provided (steel galvanised powder coated, painted grey), which are less than 1m high.

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 accord greater weight in the assessment of individual planning applications.

The overall scheme and the amendments made to the scheme will enhance the appearance of the conservation area and is of appropriate design and materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

PPS 2 Natural Heritage

Given the location of the application site and its expressed designations PPS2 applies in terms of policies the following policies should be assessed in the determination of this application:

Policy NH 6 – Areas of Outstanding Natural Beauty

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

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

Taking into account the above policy, it is considered the proposals do not offend this policy due to their minor nature, size, appearance and siting, which will be sited adjacent to and be read together with existing street furniture. The works are largely

like for like replacements, repairs, refurbishments and upgrades of existing street furniture in situ.

PPS 3: Access, Movement and Parking

The lands comprising the application site extends to include the existing car park and stretches of roadway and footpaths along the aforementioned streets. The proposals include improvements to the footway network with upgrade to surfacing, and pedestrian safety with crossing points and guardrails.

DFI Roads have been consulted and have no objection to the proposal.

It is considered the proposals represent a betterment and improvement to the existing street furniture and for pedestrian safety alike. The works will not obstruct the circulation space available, or free flow and movement of pedestrians. As such it is considered the proposals do not offend the policies contained within PPS 3, including AMP1.

PPS 6: Planning, Archaeology and the Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building states: *The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:*

- (a) *the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) *the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) *the nature of the use proposed respects the character of the setting of the building.*

As part of this application it was necessary to consult Historic Environment Division due to the extent of the lands outlined in red and proximity to a number of listed buildings, which are present in the Village and also as the site is within an Area of Arch Potential as set out above. Historic Environment Division (Monuments and Buildings)

considered the impacts of the proposals on the surrounding listed buildings and are content the proposals satisfy the SPPS and PPS6.

The extent of the works proposed are summarised above.

5 new lighting columns are proposed in the car park area, which will replace like for like, in the same location, and will be 6m high, with lanterns on top, and back light restrictions. Other existing columns are to be retained and painted.

The guardrails at the junction of Bridge street and Church street are to be repaired, cleaned, painted and refurbished. (Several panels are to be replaced like for like). The new surface paving includes granite flags, setts and kerbing, with tactile paving at the crossing points. All new paving is to be one single granite material and colour. Several existing small pockets of asphalt surfacing and cobble surfacing at vehicular entrance points and bollards are to be retained as is.

A footpath is also being formalised along Church Street up to the junction with Water Street.

Existing street furniture including seating and bins are to be refurbished, with a cycle stand also provided (steel galvanised powder coated, painted grey), which will be 0.85m high.

All existing trees are to be retained.

As stated, the proposals are largely like for like, with repairs, refurbishment, cleaning and replacement of existing with the same. These proposed works are effectively an upgrade, improvement and betterment for the area and end users, whereby the design, scale, height and materials respect and are appropriate and will not adversely impact on the setting of any LB. Similar materials are proposed to that already existing, whereby HED offer no objections.

The use of the lands as a footpath remains and is not affected by the proposals, which will refurbish and compliment the existing character of the area.

It is acknowledged street furniture can create clutter in the street scene, however that proposed is small scale and is largely repairing, refurbishing, replacing and upgrading existing furniture with appropriate and sensitive proposals and detailing, which is considered to be a betterment.

For the reasons outlined it is considered the proposals do not offend Policy BH11 of PPS6.

Policy BH12 New development in a Conservation Area, states: *The Department will normally only permit development proposals for new buildings, alterations, extensions*

and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;*
- (b) the development is in sympathy with the characteristic built form of the area;*
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;*
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;*
- (e) important views within, into and out of the area are protected;*
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and*
- (g) the development conforms with the guidance set out in conservation area documents.*

The extent of the works are detailed above, whereby it is considered they will protect, preserve and enhance the character and appearance of this sensitive Conservation Area.

The works are minor in nature, and as stated above are effectively repairs, refurbishment, cleaning and replacement of existing furniture. The works are considered to be of an appropriate scale and form, with suitable materials and detailing, and will not in any way diminish the character of this special area, nor will the result in the loss of any views in or out of area. Existing landscape features are to be retained, and the proposals do not affect the free flow and movement of

pedestrians. The works are small scale environmental improvements to footpaths and street furniture.

As such it is considered the proposals comply with the requirements of policy BH12 of PPS6.

PPS8 Open space, sport and outdoor recreation

This area of land comprising the application site comprises in part communal footpath space, whereby the proposals will retain this space and upgrade the existing street furniture, thereby creating a betterment for users.

Summary

Taking into consideration the above assessment, it is considered that the proposal is compliant with policy and there are no grounds to sustain a refusal. Accordingly, Approval is recommended, subject to conditions.

7. Recommendation: Approval

8. Conditions:

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

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

The development hereby permitted shall take place in strict accordance with the following approved plans: 6001, 6002, 6003, 7001 (Rev P2).

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

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 Newry, Mourne and Down District Council 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.

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

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

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 the condition above.

These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

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.

ALL new paving (including crossing points) shall comprise the same single material of granite.

Reason: To preserve and enhance the character and appearance of this Conservation Area.

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 6001/6002/6003, 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

The gradient of any access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

The development hereby approved shall not be commenced until the developer/applicant has submitted to and received approval from the Department for Infrastructure, a scheme for the highway improvements indicated generally on drawing No 6001/6002/6003.

Reason: In the interests of road safety.

No business shall be carried out from the development hereby permitted until the works comprised in the highway scheme referred to in the condition above have been fully completed and so certified by the Department for Infrastructure in writing.

Reason: In the interests of road safety

Details of signs and road markings to control the flow of traffic on the public road to be in accordance with the Traffic Signs Regulations (NI) 1997 shall be provided at the applicant's expense and to be in accordance with the Department's requirements prior to the site becoming operational.

Reason: In the interests of road safety

Construction works shall be limited to the following times:

Monday – Fridays 07:00 -18:00

Saturday – 08:00 – 13:00

Sundays and Bank holidays – No noisy work

Reason: To protect the amenity of local residents.

Case Officer Signature: M Keane

Date: 01-09-23

Authorised Officer Signature:

Pat Rooney

Date: 01.09.2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1335/F

Date Received: 18.08.22

- 1.0. PROPOSAL:** Erection of residential development and associated site works (revised scheme for 12 no. apartments (in 2 blocks) with demolition of existing dwelling on site known as 35 Rathfriland Road, Newry
- 2.0. LOCATION:** 35 Rathfriland Road, Newry

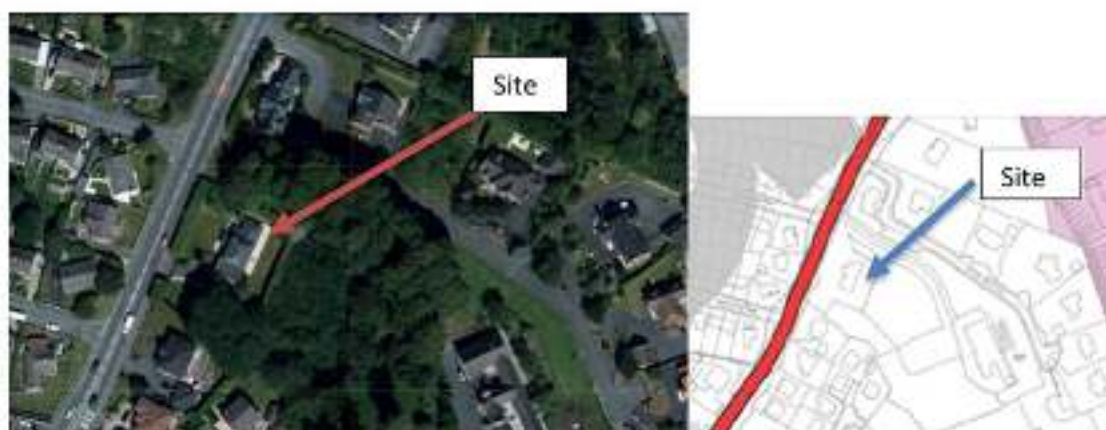


3.0. SITE AND AREA CHARACTERISTICS:

- 3.1.** The is located within an urban location fronting onto Rathfriland Road. Land is relatively flat and comprises of a large detached, red brick, two storey residential property which is contained within an enclosed curtilage with large garden to front, rear and side.

Boundaries of the site comprise of redbrick wing walled entrance with wrought iron fencing and gate. A traditional hedge of approx. 2m in high is located along the E boundary of the site (rear) and is also found to either side of the front entrance although set behind a low stone wall, the hedge extends around the N corner of the site with close board fence beyond. A mature band of trees belong to the adjacent nursing home property flanks the northern boundary of the property.

- 3.2. Surrounding development is predominantly residential with a wide variety of large detached and semi-detached properties predominantly 2 storey in form with a mix of render and brick finishes, hipped and pitched roofs are a feature of the area along with black/ brown concrete roof tiling.
- 3.3. The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area Plan 2015 and is unzoned land within the area plan.



Aerial View and Area Plan



Proposed Site Layout

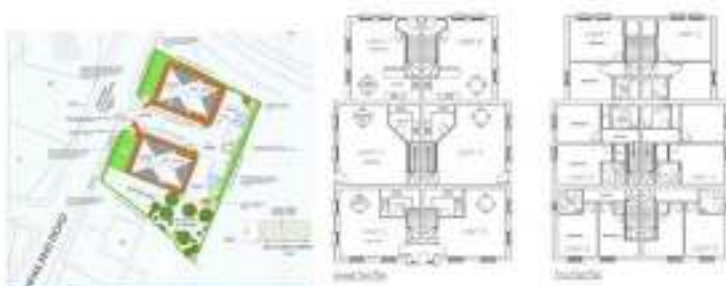
3.0. SITE HISTORY:

- A dwelling was originally established on this site by virtue of application reference P/1986/0577 which granted approval for a single dwelling on 22/01/1987
- P/2007/1002/F - Erection of residential development and associated site works (revised scheme for 12 No. apartments (in 2 blocks), with demolition of existing dwelling on site known as No. 35 Rathfriland Road). Lands at 35 Rathfriland Road,

Newry. Granted 19.12.12 (Application site)



- LA07/2017/1280/F - Erection of residential development and associated site works (revised scheme for 12 No. apartments (in 2 blocks), with demolition of existing dwelling on site known as No. 35 Rathfriland Road). Lands at No. 35 Rathfriland Road, Newry. Granted 06.12.17 (Application site)



4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:

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 3 - Access, Movement and Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- PSRNI
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards

- Parking Standards

4.0. STATUTORY CONSULTATIONS

- Rivers Agency (02.08.23)

DfI Rivers previous comments in relation to the SPPS and Revised PPS 15 FLD 1, 2, 4 & 5 remain the same, as per our consultation response dated 7th March 2023.

(07.03.23)

- FLD1 - Development in Fluvial Flood Plains - DfI Flood Maps (NI) indicates that the site lies outside the 1 in 100 year and 1 in 200 year coastal floodplains.

- FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable based on the information provided.

- FLD4 - Artificial Modification of watercourses – Not applicable based on the information provided.

- FLD5 - Development in Proximity to Reservoirs – Not applicable based on the information provided.

FLD3 (Rivers 02.08.23) - Development and Surface Water – DfI Rivers has reviewed the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.

- Roads (01.06.23) – No objection conditions / informatives to be applied.

- Environmental Health (20.10.22) – No objection in principle

- HED (11.10.22) - Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

- NIW (05.10.22) - Approved with Standard Planning Conditions.

7.0. OBJECTIONS & REPRESENTATIONS:

- 7.1. 10 Neighbours notified of proposals.
- 7.2. Advertised September 2022
- 7.3. 1 petition and 7 objections received to date:

Issues Raised by Objectors:

- Does not respect local context, street pattern, scale, proportions, out of character (character large detached plots and large spacing), 2 storey apartment with multiple entrances

The site is contained within the urban settlement of Newry which encourages a range and mix of house types/ units. The principle of the development has been established at the site through the grant of previous planning permission, with the development proposals submitted effectively a renewal of this permission.

Notwithstanding this, the development replicates the large detached form exhibited at this location with elements of the design, scale, form and finishes generally reflective of development within the locality. Whilst the communal areas of open space and parking are not of traditional form exhibited in the area, nevertheless the parking element of this development is discretely located to the rear of the property with no immediate views from the road.

With retention of existing vegetative boundaries, the development will have the appearance of two detached properties albeit an apartment development. Proposals will not detract from the visual appearance or character of the area to any degree of significant visual impact.

- Traffic congestion

DFI Roads in their consultation response dated 01.06.23 have no objection to proposals subject to the application of conditions and informatives.

- Air Quality

EH in comments dated 20.10.22 have raised no issues of concern.

- Insufficient Parking

DFI Roads in comments dated 01.06. 23 have raised no concerns in relation to this.

- Affects amenity/ Overlooking

Impact has been considered in the above report, given the separation distances from the nearest property there will be no direct overlooking, impact to privacy, overshadowing or loss of daylight.

- Inadequate space to turn/ manoeuvre vehicles

DFI Roads in comments dated 01.06.23 have raised no concerns in their consultation response.

- Noise pollution – Increased numbers at site
- Close proximity to residential care home – impact to residents noise and distance

EH in comments dated 20.10.22 have raised no issues of concern in relation to potential noise. Whilst it is acknowledged the number of people residing at the site is higher than the surrounding, 1 property, 1 family unit arrangement this should not have any additional impact in terms of noise and those occupying the site can manage and self police noise levels.

- Contrary to human Rights Act

Right to the enjoyment of property is not affected by this development, there are no amenity issues envisaged with this development upon adjoining neighbours.

- Original Application P/2007/1002/f sought 20 apartments which was refused planning given in 2017 for 12 apartments but no neighbours notified.

Having checked planning records neighbour notification appears to have been carried out under the 2017 application. However, a fresh round of neighbour notification was completed with this current scheme. Objections submitted on the back of this consultation exercise have been fully considered in the assessment of the application.

- Map is misleading

The Planning Department is satisfied that the extent of the development site is accurately shown on the submitted map. The Planning Department has also gathered detailing from Spatial Ni, Departmental records and Mastergov to make further assessment of surrounding environs in the assessment of this application.

- 2 and 11 Hollywood Grove not NN failure to consult

These properties have been neighbour notified.

- Environmental Impact – backs onto a mature garden and protected trees

Proposals are confined to the curtilage of the existing property without impact to land immediately adjoining, a condition has been added to ensure that

no development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of all hard landscaping and soft landscaping / planting works have been submitted to and approved in writing by the Council.

- No need for apartments. Loss of a large family home

As an urban location the mix and range of house types/ units are encouraged. Whilst it is acknowledged the development will result in the loss of a single residential unit there are no legislative or policy grounds in which to preclude a residential development of this nature which is in accord with the existing land use albeit is apartments and not a dwelling house.



8.0. PLANNING ASSESSMENT & CONSIDERATION:

- 8.1. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the settlement limits of Newry (NY01) as identified by the BNMAP 2015.

In addition, the site abuts a Listed Building Curtilage (HB/16/26/037) and there is an existing Tree Preservation Order over the mature trees to the rear of the site (TPO/2003/0020 and PLA2/6/020/03.) Furthermore, there is a designated enclosure approximately 180m west of this site (DOW046:014) which Historic Monuments are satisfied would not be impacted upon as a result of this proposal.

This application seeks full permission to effectively renew an extant application (LA07/2017/1280/F – Approved 06.12.17 (Expiring 06.12.22)) for the erection of residential development and associated site works (revised scheme for 12 No. apartments (in 2 blocks), with demolition of existing dwelling on site known as No. 35 Rathfriland Road. The current application submitted prior to expiry on the 18.08.22.

Given the principal of development is currently established, the primary considerations in this assessment are whether the scheme is appropriate in this site context and in keeping with the original conditions attached to the current approval (including any potential impact on protected trees), given consideration to previous and surrounding planning history together with any changes that have occurred since the former approval.

Principle of Development

The approval for this proposed development application reference LA07/2017/1280/F (Expiring 06.12.22) remained extant at the time the current application was made on the 18.08.22 therefore the planning history and context has been given determining weight in the assessment of this application.

Planning records indicate that there have been previous approvals affecting adjacent and surrounding lands to the site at 'Cairnhill.' The most recent approval P/2007/1354/RM would appear to have expired on 20/02/2011. As such, there have been no recent approvals surrounding the site upon which this renewal development would have an impact on.

Proposed Plans

The current application is effectively a renewal of the former approvals on this site with the latter LA07/2017/1280/F extant at the time of the submission.

Development proposals presented are reflective of those originally approved with no deviation from the former approvals P/2007/1002/F and LA07/2017/1280/F with the principle of the development established at this particular location.

Access, Movement and Parking

The proposal seeks to use the existing access onto Rathfriland Road (A25) to serve the development, as previously approved. The A25 is a Protected Route as outlined by Policy AMP3 of PPS3. In the case of residential development involving the intensification of an existing access onto a Protected Route, it will only be permitted where it is demonstrated that the nature and level of the access will significantly assist in the creation of a quality environment without compromising road safety standards or result in proliferation of access points.

The previous approvals (See P/2007/1002/F and LA07/2017/1280/F) have assessed this matter in detail; with the single shared access point deemed the best option to ensure road safety is not impacted on.

Transport NI in their consultation response (dated 01.06.23) advise that they have no objection objections subject to conditions being met in regard to PPS3 and road safety requirements.

Flooding/ Drainage

This site is categorised as experiencing surface water issues, with PPS15 policy FLD3 applicable to this site. A drainage assessment has been provided, as it is a residential unit comprising 10 or more units. DfI Rivers Agency (consultation responses 02.08.23) having seen the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. The remaining policy's FLD1, 2, 4 and 5 have been satisfied and are not applicable in this case.

Residential amenity

The detailed plans submitted are reflective of those originally approved at the application site (See P/2007/1002/F and LA07/2017/1280/F). The apartment blocks are presented as two large, detached properties with a similar finish, design, scale and form reflective of the original dwelling house (apart from no chimneys – this will be conditioned) which will be replaced by these proposals.

The site layout plans as shown on Drawing A3/02, show there will be a buffer zone (to provide communal open space) between the closest units to No.2 Hollywood Grove to the south, with a separation distance of 32 m between No.6 Glen Mullen, with the existing hedgerow boundary to be maintained. To the west, there will be a separation distance greater than 39 m between No's 25 and 26 Rathfriland Road and No.8 Beechmount Park. In this context with the boundaries, separation distance and proposed plans, the development is not considered to present any issues in terms of residential amenity.

There have been no changes in terms of the surrounding residential development since the existing approval on this site.

Landscaping

In terms of landscaping, there are no proposed changes to the approved scheme from what was originally granted under P/2017/1280/F. The proposal is not considered to offend any of the criteria under Policies QD1 and LC1 of PPS7 including the trees which are protected to the east and rear of the site (Tree Preservation Orders TPO/2003/0020 and PLA2/6/020/03.)

Impact to the Environment

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.

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

9.0. RECOMMENDATION:

Letters of objection have been full considered as assessed above at point 7.0.

The principle of this development has been long established through the grant of planning permission at the site on two previous occasions under planning references P/2007/1002/F and LA07/2017/1280/F.

Proposals are in effect a renewal of a former approval which is acceptable – no changes in surrounding context in terms of approvals and residential amenity. Conditions and informatives to be amended with updated policy and consultation responses. There are no significant amendments from previous to warrant a change in opinion other than to recommend the scheme for approval.

Recommendation: Approval

Planning Conditions:

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

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

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

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being

comprised in the streets, shall be as indicated on Drawing No. A3-03 PSD, bearing the date stamp 17th May 2023

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. No other development hereby permitted, shall be occupied until the Footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. A3-03 PSD, bearing the date stamp 17th May 2023

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

5. The visibility splays at the access to Rathfriland Road shall be provided in accordance with Drawing A3-03 PSD, bearing the date stamp 17th May 2023 prior to the commencement of any other works or other development.

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

6. No residential units hereby approved shall be occupied until all parking provision has been made and permanently retained in accordance with that indicated on the approved Site Layout (Drawing No.) date stamp received

Reason: To ensure adequate parking provision in the interests of road safety and the convenience of other road users.

7. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place accordance with the approved details.

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

8. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016. The details of which shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place accordance with the approved details.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016).

9. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and agreed in writing by the Local Planning Authority to the satisfaction of NIW. Development shall take place accordance with the approved details.

Reason: In the interest of public health.

10. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted to and agreed in writing by the Local Planning Authority to the satisfaction of NIW. Development shall take place accordance with the approved details.

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

11. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of all hard landscaping and soft landscaping / planting works have been submitted to and approved in writing by the Council. The hard landscape works shall include details of hard surface materials and any other minor artefacts and structures e.g. street furniture, play equipment, lighting, existing and proposed services above and below ground and any retained historic landscape features and proposals for restoration. The soft landscape works shall include details of planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; and an implementation programme. These works shall be carried out as approved.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

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

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

13. No unit shall be occupied until a landscape management and maintenance plan has been submitted to and approved by the Local Planning Authority. The plan shall set out the period of the plan, long term objectives,

management responsibilities, performance measures and maintenance schedules for all areas of landscaping. The landscape management plan shall be carried out as approved.

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

14. The existing natural screenings of the site shall be retained unless otherwise shown on Drawing date received and unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days. This shall include the retention of the existing hedging along the site frontage other than to provide the new entrance opening and associated wing walls in accordance with aforementioned Drawing 02 revision 1.

Reason: To ensure the maintenance of screening to the site.

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

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

16. A chimney/ chimneys shall be erected on the ridge line of each of the blocks within the development hereby approved, the external finishes shall match that of the approved units. The details of which shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of development. The development shall be implemented as agreed.

Reason: In the interests of visual amenity and to ensure proposals are in keeping with existing development within the vicinity.

Case Officer:

Authorised Officer:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0296/F

Date Received: 15.02.21

Proposal: Proposed residential development comprising 92 residential dwellings (comprising 70 houses; 20 apartments and 2 bungalows), access/right turn lane, open space, landscaping and other ancillary site works (Amended Proposal)

Location: Lands approx 80m east of No.15 Martins Lane (Parochial House) and 30M west of Nos 1-20 Demense Carnagat Road Newry.

Site Characteristics & Area Characteristics:

The site is approx. 3 hectares of undeveloped land west of Carnagat Rd which is bounded by fencing and shrubs. The site is rectangular in shape rising from the Carnagat Road towards the western boundary of the site and is separated from the road by a post and wire fence.

The site is bound to the E by the Caranagt Rd. Adjacent and NW is Altnaveigh Pk, the Demesne housing development to the SE whilst the grounds of St Malachy's Nursery and Primary School are situated to the west, with Rathore School immediately adjacent and N.

The surrounding area is generally defined by a mix of residential housing to the E, S and W of the site with Daisy Hill woodland and Newry City Centre lying further E. External finishes of development within the vicinity include red brick and render finish with black/ dark concrete roof tiling.



Site Location and Aerial View

Relevant Site History relating to the application site:

LA07/2022/1303/PAD - The Education Authority proposed to re-purpose the site for Special Education Needs (SEN). PAD Concluded – Acceptable in principle.

LA07/2020/0379/PAN - Proposed residential development up to maximum of 105 units, landscaping and other ancillary site works, access gained via Carnagat Road, Newry. Decided 20.03.20

LA07/2020/0553/PAD - Proposed residential development comprising 94 residential dwellings (made up of 70 houses; 16 apartments and 8 bungalows), access/right turn lane, open space, landscaping and other ancillary site works.

P/1989/6015 - Development of Lands Land at Carnagat Killeavy Newry. Land at Carnagat Killeavy Newry.PAD CONCLUDED

Planning Policies & Material Considerations:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Newry, Mourne and Down Area Plan 2015
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS6 - Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards

Consultations:

Roads (10.08.23) – No objection subject to condition and informatives.

Housing Executive (21.07.22) - Further to the consultation dated 14/07/22 we have reviewed the information provided and have discussed further with Apex Housing Association who are now registered to take forward the social/affordable housing scheme at this location. We fully support the need for this scheme.

NIEA Natural Environment Division (17.11.21) - NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

NIEA Water Management Unit (09.08.21) - Has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. (See remarks regarding sewage disposal).

NIEA Regulation Unit (09.08.21) - Have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

SES (10.06.21) - Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Loughs Agency (06.05.21) - The Loughs Agency has considered the information provided and would like to outline the potential impacts from this development. Such impacts could include:

- Increases in silt and sediment loads resulting from construction works
- Point source pollution incidents during construction
- Overloading of existing WWTW infrastructure

Increased residential development may place more pressure on waste water treatment plants, so increasing the risk of sewage overflows. The overflows from overloaded WWTW invariably are discharged to watercourses to the detriment of fisheries interests. Planning Service should ensure holds the local waste water treatment infrastructure has the capacity to deal with the additional sewage burden which will result from this development.

Rivers Agency (23.04.21) –

FLD 1, 2, 4 and 5 are not applicable to the site.

FLD3 - Development and Surface Water – DfI Rivers PAMU have reviewed the Drainage Assessment by Flood Risk Consulting and our comments are as follows:

1. Revised Policy PPS 15 Annex D18 bullet point 1 states – An initial application should be made to the local Rivers Agency office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.

If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out.

Revised Policy PPS 15 Annex D18 bullet point 2 states – Details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water.

The applicant is requested to provide confirmation of approval to discharge from NI Water.

Consent to discharge has been provided by the agent and the developer has engaged with NIW in relation to waste water/ supply.

NIW (22.04.21)

Public water supply and foul sewer within 20m of the proposals – Developer required to consult NIW by means of Pre Development Enquiry in relation to capacity.

Available capacity at WWTW

No surface water sewer within 20m of your proposal,

The developer has been furnished with a Waster Water Impact Report showing evidence of engagement with NIW which is subject to sign of with them.

EH (30.03.21) – No objection in principle

HED Monuments (16.04.21) - 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.

Objections & Representations:

- 34 Neighbours notified
- The application was initially advertised 06.04.21, readvertised 17.08.21 and 18.08.21 and 25.01.22 and 26.01.22, with further amendments and a description of proposal change in May 22 resulting in further advertisement of the proposal on the 14.06.22 and 15.06.22 respectively.
- No representations were received

Consideration and Assessment:

Proposal:

The proposals involve the erection of 92 residential (comprising 70 dwellings, 20 apartments and 2 bungalows). Dwellings have incurtilage parking to side with formalised gardens to front and rear, the apartments have communal parking located

to the front at the entrances of the development with a mix of communal and private open space.

The development will involve earthworks with cut and fill works across the site to facilitate suitable levels on which to develop and to allow units to have access to flat rear gardens. The developer has taken account of changes in ground levels and although there is use of retaining walls these generally do not exceed a metre in height along public views. However, the NE corner of the site will deploy higher retaining walls at a maximum of 3.75m to account for the 4 metre level difference with existing dwellings adjacent and E of the site sitting at a higher level, these walls have a small 1m high retaining wall placed in front to allow embankment/ planting between and to assist with reducing visual impact. The higher walls are located to NE corner of the site and tucked into the rear of the proposed properties that any views of the retaining walls will be screened by the proposed development and set back from the public road with limited views.

The development comprises of 8 dwelling and 3 apartment types which will be constructed with wet dash/ red brick. The roof finishes are that of blue/ black tile/slate with pitched/ hipped roofs, upvc windows, doors and downpipes with aluminium guttering.

Overall, the development offers variation and visual interest throughout the scheme. The dwelling type proposed draws in external materials of type and finishes found within the locality and therefore will not appear misplaced at this specific location.

EIA Screening:

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

Planning Act:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plans so far as it material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan:



Area Plan

Section 6 (4) of the Planning Act (NI) 2011 sets out where in making a determination under the Act regard must be given to the local development plan and determination must be in accordance with the plan unless material considerations indicate otherwise.

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

The site has not been zoned for any specific purpose within the area plan and remains as undeveloped whiteland. As such development on whiteland is acceptable in principle subject to normal planning and environmental considerations further assessment is considered below.

In summary, the proposal in principle, is acceptable to the BNMAP 2015 in that proposals are in keeping with surrounding land uses and is not at conflict with the area plan. However, the detailed scheme must also meet the prevailing policy requirement as considered below:

Planning Policy Consideration:

The main issue to be considered is the principle of residential development on the site, the proposed design, layout and detailing as well as its impact upon the setting and adjacent residential dwellings.

Strategic Planning Policy Statement (SPPS).

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

It is considered that the proposal is in accordance with the principles set out in the SPPS and other policy considerations for the reasons set out below.

SPPS and PPS2 – Natural Heritage

DAERA NED in comments dated 17.11.21 have no concerns in relation to natural heritage interest.

Proposals meet the requirements of the SPPS and PPS2.

PPS3, DCAN 15 and Parking Standards:

Transport NI in their consultation response dated 10th August 2023 have no objection with proposals. Each site has adequate in curtilage turning throughout the scheme.

Proposals meet the requirements of PPS3.

SPPS and PPS6:

HED in comments dated 16.04.21 advise that they are content that proposals satisfy PPS6 requirements, subject to planning conditions.

Proposals meet the requirements of PPS 6.

SPPS and PPS15:

Rivers Agency in comments dated 23.04.21 in relation to drainage and flood risk at the site advise the following.

FLD 1, FLD2, FLD 4 and FLD 5 are not applicable.

FLD 3 – Rivers Agency have reviewed the drainage assessment and require a Schedule 6 consent to the surface water sewer.

The developer has already obtained Schedule 6 consent (email correspondence provided 12.04.23).

Proposals meet the requirements of PPS15.

SPPS, DES2, PPS6, PPS7 (QD1), PPS12 (PCP1, 2, 3 and HS4), PPS7 (Addendum) (LC1), PPS8, PSRNI, Creating Places and DCAN8

The site is located within the urban settlement of Newry surrounded predominantly by residential housing with St Malachys, Carnagat and Rathore schools situated to the N and W respectively.

Housing development immediately within the vicinity include that of Altnaveigh Pk (NW), Tarive Lana opposite and S as well as the Demesne (opposite and E) which are two storey, semi-detached properties with formal gardens to front and rear with on street parking. External finishes are render and brick which are the predominant external finishes found within the locality.

The proposed development consist of 92 units comprising a mix of 70 semi - detached properties, 2 bungalows and apartments. Units are a predominantly two

storey with a few single storey properties. The design of which has taken account of surrounding dwelling types and has incorporated elements throughout the scheme.

Ground at the site rises from the road towards the W and SW portions of the site towards St Malachys School, Altnaveigh Pk and Carnagat Rd (S). There is a substantial change in ground levels of approx. 14m from the road to the W boundary. In order to maintain the number of units for social housing the applicant has taken the changes of ground levels into account and has stepped development along with natural contours, whilst the NW of the site incorporates substantially sized retaining walls this cannot be avoided within the site given the extremities in ground levels. Any retaining structures are generally no more than 0.6/1 m in height where they can be publicly viewed and have incorporated galvanised fencing to form boundary definition. The highest retaining walls are located to the NW portion which is unavoidable with ground levels exceeding 4m in parts, however the developer has split this to provide a higher wall with lower wall with embankment/planting between which is planted and are generally located to the rear of properties to limit views.

The applicant proposes to use planting within the scheme along plot boundaries, within earth embankments and open space areas. Open space provision within recommended guidelines.

All plots have adequate and appropriate provision for parking within each plot, including bin storage.

The proposed dwellings incorporate materials which are evident within this locality, with the scale, mass and form reflective of existing built form found at this location and will not appear misplaced in its surroundings. The development offers several different house and apartment types within the scheme to offer a good range and mix of house types.

The site has no known archaeological artefacts and HED in comments dated 16.04.21 have considered the impacts of the proposal and have no objections in principle.

Overall, the design and layout does not create conflict with adjacent land uses.

The nearest dwellings to the site are that of Nos 32/34, 52 and 53 Altnaveigh Park which are situated approximately 16/17m from proposed dwellings units nos. 21-23. The existing properties ridge heights are 90/91 m (F.F.L estimated at 82/83m) these properties are approximately 3m at ground level above the ground level of units 21-23 which has a ffl of 79/79.975m. No. 21 is a bungalow and No 22 is gable end so there will be no direct overlooking between properties.

Although the highest retaining wall will be utilised at this location, this will be most obvious on the near side of the proposed development with only a boundary fencing along the existing boundary on the Altnaveigh Pk side. In relation to the Demesne (E of site) dwellings are set back with good separation and planting, again there should be no direct overlooking or loss to privacy and the parochial house at No. 15 Carnagat Rd is far removed from the development that there will be no loss to amenity. Overall development will not cause loss of light, overshadowing or loss of privacy to adjacent and existing properties.

Remaining dwellings have been adequately located to avoid any overlooking or impact to amenity of adjacent properties.

Adequate private open space has been assigned to properties and the large area of communal open space is accessible to all, with footway links and a new pedestrian footway to Carnagat Rd to the S of the site will allow ease of access and encourage sustainable movement patterns particular for those accessing St Malachys or Rathore school.

The development has been designed to deter crime and promote personal safety with all areas of public access sufficiently surveilled within the scheme.

There is no provision for local neighbourhood facilities provided, however given the location of the development within the settlement limits of Newry the development is well placed for access to the urban centre and access to a wide range of local facilities and service and given its linkage to the existing footpath network will encourage sustainable movement patterns.

Water and Sewerage

The applicant proposes to connect to the mains water supply and mains foul sewer.

Having reviewed NIW comments dated 22.04.21 advise that there is a public water supply and foul sewer within 20m of the site and capacity at the WWTW. NIW have advised that the developer is required to engage with NIW by way of a pre-development enquiry. It appears that the developer has engaged in this process with NIW (See email from the agent dated 19.04.23) with NIW responding on the 21st June 2023 providing a solution engineers report.

NIW advise that there is no surface water sewer to serve the site. However, the applicant has obtained a Schedule 6 consent from Rivers.

As the applicant has engaged in this process with NIW and await the outcome of its enquiries. Ultimately the onus is on the applicant to obtain relevant consents from NIW for connect to supply and ensure sewerage provision is provided on site prior to commencement. However, it would not be deemed unreasonable to negatively condition this to be provided prior to commencement of development.

Impact to European Sites.

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Considering that there is no viable pathway it is concluded that there can be no conceivable effects to any designated sites as a result of the proposal.

9.0. RECOMMENDATION:

Consideration and Assessment Summary:

Having had regard to the development plan, policy and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS6, PPS7, PPS7 (Addendum), PPS12, PPS15, DCAN15, DOE Parking Standards). The proposed scheme merits as a suitable residential development proposal which complies with the area plan and planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

Recommendation: Approval

Draft Conditions:

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

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

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

- 001 REV 13 - Road Site Layout (27.04.23)
- 003 REV 5 - Road Layout at New Right Hand Turning Lane (27.04.23)
- 004 REV 04 - Proposed PSD Layout (09.08.23)
- 005 - Proposed Longitudinal Road Sections (15.03.23)
- 006 Rev 01 - Proposed Storm Sewer Layout (27.04.23)
- 20-022 L101 REV C - Landscape Proposals (16.01.23)
- L01 - Site Location Plan (15.02.21)
- L02 REV H - Proposed Site Layout Plan (09.03.23)
- L03 - Proposed Apartment Type A/ Proposed House Type B (15.02.21)
- L04 REV A - Proposed House Type C/ Proposed House Type D (06.07.21)
- L05 - Proposed House Type B1 and B2 (15.02.21)

- L06 REV D - Proposed House Type F &G/ Proposed House Type H (14.07.22)
- L07 REV E - Proposed Site Sections A-A, B-B, C-C, D-D, E-E, F-F and G-G (14.07.22)
- L08 REV C - Proposed Boundary Treatments (09.03.23)
- L09 - Proposed Apartment Type E (06.07.21)
- L10 REV A - Proposed Apartment Type F/ House Type A1 (14.07.22)

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 8411-AFA-XX-01-DR-C-004 Rev 4 PSD Published 08th August 2023

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. No.8411-AFA-XX-01-DR-C-004 REV 04 PSD Published 08th August 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No.8411-AFA-XX-01-DR-C-004 REV 04 PSD Published 08th August 2023

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

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

6. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

7. No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking (and turning) of private cars as shown on the approved plan.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

8. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

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

(These works will be carried out entirely at the developer's expense.)

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

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

11. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the

works in managing all the risks and wastes in achieving the remedial objectives.

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

12. No development activity shall commence on site until an Invasive Species Management Plan has been submitted to and approved in writing by the Planning Natural Heritage & Conservation Areas Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.

13. 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 Newry, Mourne and Down District Council 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.

14. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 13.

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

15. 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 12.

These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

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.

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

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

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

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

18. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016 the details of which shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

19. Prior to commencement of the development hereby approved, details of consent to connect to a water supply connection and consent from Northern Ireland Water (NIW) shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure adequate water supply in the interests of public health.

20. A formal water / sewer connection application shall be made for the development hereby approved prior to occupation, including where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

21. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and agreed in writing by the Local Planning

Authority to the satisfaction of NIW. Development shall be implemented as agreed.

Reason: In the interest of public health.

22. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted to and agreed in writing by the Local Planning Authority to the satisfaction of NIW. Development shall be implemented as agreed, approved and constructed by developer and the relevant authority.

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

23. The residential development hereby approved, shall only be for social housing. This requirement shall be delivered by agreement with a Registered Social Landlord (RSL) i.e. Northern Ireland Housing Executive (NIHE) or a registered Housing Association. The details of which shall be submitted to and agreed by the Local Planning Authority prior to the commencement of any of the dwellings hereby approved and shall be retained thereafter.

Reason: To meet the requirement for Social Housing provision and ensure its long-term delivery.

24. The open space and amenity areas as indicated on the drawing No..... dated (.....) shall be managed and maintained in accordance with the detailed Landscape management Plan date stamped as agreed by the Local Planning Authority prior to the first occupation of any dwelling hereby approved.

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

25. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the (Drawing No. date stamped) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

26. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that

originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

27. All existing hedgerow and trees shown on drawing No. date stamped shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Local Planning Authority in writing.

Reason: To ensure the maintenance of screening to the site and to protect priority habitat and the biodiversity value of the site, including protected species.

28. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and shall be of such size and species shall be planted at such time as may be specified by the Local Planning Authority.

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

29. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and that the retaining wall design accommodates any lateral loading from the retained slope. Any such designs and assessments shall be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed meet relevant British Standards and Codes of Practice

Case Officer Signature:

Date:

Appointed Officer Signature:

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1326/F

Date Received: 12.08.2022

Proposal: Proposed alterations to existing dwelling including attic conversion, single storey front and rear extensions with associated site works

Location: 19 Cherry Hill, Rostrevor, Co.Down BT34 3BD

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located within the settlement development limit of Rostrevor as defined within the Banbridge, Newry and Mourne Area Plan 2015. The application site has been screened using online tools for any historic and natural environment designations. There are no historic designations on or within proximity to the application site. The application site is located within an Area of Outstanding Natural Beauty.

1.2 The dwelling is located within a residential area and is a split-level dwelling with internal garage. The application site benefits from off street parking. The application site shares a common boundary with 18 and 20 Cherry Hill.

1.3 The proposal incorporates alterations to the dwelling to include single storey front and rear extensions with associated site works.

Image 1 Photograph of the front of the Application Site



2.0 Planning Policies and Material Considerations

2.1 This planning application has been assessed against the following policy:

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Heritage
- PPS7 (Addendum) Residential Extensions and Alterations Policy EXT 1

3.0 Site History

3.1 There is one known planning history associated with the application site:

- P/1990/1079 – for an extension to dwelling. Application Approved

4.0 Consultations

4.1 A consultation was issued to the following consultees:

- Historic Environment Division – content with the proposal as presented having account for the listed buildings within the surrounds.
- NI Water – No objections to the proposal

5.0 Objections and Representations

5.1 3 Neighbours were notified as part of the application process. The application was advertised on the 14th September 2022. One comment was received from those residing in number 18 Cherry Hill raising concerns with the accuracy of the drawings and window placements as well as directing attention to *'The additional side window in the front extension (conversational area) will be directly overlooking. However as long as the planning application details are accurate I will leave the decision regarding overlooking to the planning officer'*.

Correspondence with the Agent/Applicant

5.2 Following initial assessment of the proposals a letter was issued to the Agent on the 2nd December 2022 which set out:

The following is provided without prejudice to the further assessment of this application. The Planning Department have reviewed the application in its entirety and whilst generally content with the principle of development would request your comments and/or amendments in relation to the following comments. With regards to the proposed front elevation the Planning Department would consider that large glass panel to the roof to provide a dormer to dominate the host property and therefore contrary to policy. The Planning Department would consider that this should be reduced and remain subordinate to the main dwelling house as well as reduced in scale in terms of its ridge and aesthetics.

The Planning Department would also refer you to the representation received (and available for public view on the public portal) and would respectfully request your comments in relation to this.

Original plans:



5.3 The Agent submitted revisions to drawings and a rebuttal on the 21st December. The revisions incorporated the reduction in extension to the roof (front elevation creating a stepped approach and an outdoor balcony area. The Agent also removed the second window on the side gable (common boundary with number 18 Cherry Hill).

Revised Proposals submitted 21st December:



This rebuttal will be assessed during the processing of this application. On the 10th March 2023, following the assessment of the revised proposals an email was issued to the Agent setting out:

... the Planning Departments opinion remains that with regards to the proposed front elevation; the Planning Department would consider that the large glass panel to the roof to provide a dormer dominates the host property and would be therefore considered contrary to policy. The proposed roof dormer would not be considered subordinate to the host property.

5.4 Further documentation was received from the Agent on the 16th March 2023. Within this final iteration upon which form the basis of this assessment, the Agent slightly reduced the dormer ridge height and utilised panelling to create an increased solid to void relationship. These drawings form the basis of the assessment of this application.

Latest proposals



Assessment:

As stated above there are several elements to this proposal including, alterations, an attic conversion and single storey front and rear extension, and associated site works

Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

6.2 As there is no significant change to the policy requirements for the proposed alteration and extension of a dwelling following publication of the SPPS, the retained planning policy is PPS2 and PPS7 addendum Residential Extensions and Alterations. This policy will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 2 Natural Heritage

NH6- Areas of Outstanding Natural Beauty

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

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

6.3 Having regard for the above policy, it is considered that whilst the proposed extension and refurbishment of the property is a modern addition to the area, the design and characteristics of the dwelling are not unnatural to the area. The dwelling neighbouring (number 20) has some similar features to the proposed dwelling as well as a number of properties in the surrounds. However the siting, size, scale and appearance/presentation of the larger forward projecting dormer window remains a concern. This is discussed further below.

PPS7 (Addendum) EXT1: Residential Extensions and Alterations

6.4 Policy EXT1 of PPS 7 (Addendum) states that permission will be granted for a proposal to extend or alter a residential property where specific criteria are met.

The application involves the following changes/alterations, including the introduction of a large dormer window, which projects above the existing ridge line along the front elevation, changes to the windows and finishes to the dwelling. An extension to the rear of the property and change again of window pattern. To the side gables there is the addition of windows to one gable end and the reconfiguration and type of windows to the other side gable. The finishes of the dwelling are also proposed to change.

The site works also include revisions to the current driveway parking area, with a new pedestrian path and entrance also to be created onto the footpath. The existing vehicular entrance is to remain in situ.

Scale, Massing and Design

6.5 The proposed extensions to the dwelling are as follows:

- Extension to front of dwelling to provide for extended kitchen, dining and conservatory area; this extension is approximately 1.5m in length.
- A large new box type dormer window in the roof, which extends above the existing ridge line, which will serve a master bedroom and balcony. The dimensions are as follows:
 - Raising of ridge at its peak of 0.3m for a length of 6m
 - Roof extension width of 5.8m
 - To the front elevation there is an extension maximum height of 2.3m to allow for a glazed dormer and balcony

- Rear of the property demolition of conservatory and extension of terrace area. Extension to rear of dwelling to provide for bedroom (extension of approximately 0.8m).

6.6 Finishes of the dwelling are to change to the following:

- Roof – Flat concrete tiles (charcoal)
- Walls – Painted smooth render (White)
- Windows & Doors – Powder Coated Metal (Grey)

6.7 Whilst the Planning Department are generally content with the ground floor elements, concerns remain regarding the large box dormer to the front projection, which will sit above the existing ridge. It is considered the sheer size, scale and mass of this dormer window, together with its height above the existing ridge line, will dominate the host property, and will be a unduly prominent unsightly feature in the street-scene. A dormer window should complement the existing property, however it is considered that proposed is disproportionate and over- dominant.

Paragraphs A14 through to A17 of the Addendum to PPS7 are relevant in this regard.

Impact on Character of the Surrounding Area

6.8 Within the surrounds there is a variety of dwelling types, many of traditional and similar style with some more modern additions. There are a variety of extensions within the surrounds however it is noted that these remain subordinate to the main dwelling. Indeed, the Planning Dept have previously sought and achieved revisions on several other proposals in this locality to ensure they are sympathetic and subordinate to the host property. The dormer window proposed requires to be reduced in size and set down below the ridge level.

6.9 It is considered the forward projecting dormer window along this front return facing the road will be visually intrusive and dominant in the street-scene as a result of its scale, size and height and associated mass. As outlined above the Planning Dept advised the agents of its concerns and afforded time and opportunity to amend the proposals and reduce this offending element, however this opportunity was not availed of.

6.10 The Planning Dept seeks to apply the general principles of the policy in a consistent manner, whereby it is considered to approve this proposal as submitted, which is at odds with policy would set a dangerous precedent in the streetscape and for all such types of development going forward.

Privacy/Overlooking

6.11 The application site is within a residential area. The dwelling is located on a hill and is a detached property. The dwelling shares common boundaries with number 18 and number 20 Cherry Hill. The extensions to the front and rear of the property would not impact any of the neighbouring properties. This is due to the

fact the front is looking out onto a public road and the fact there is no development beyond the rear of the property.

6.12 With regards to window placements there are currently windows to the side gable which shares a boundary with number 18 Cherry Hill as well as conservatory windows to the rear. The other side gable which shares a common boundary with number 20 Cherry Hill currently is a blank gable with conservatory windows to the rear.

6.13 The proposal proposes the same number of windows at the gable (sharing a boundary with number 18 Cherry Hill) with the addition of two straight narrow windows at the stair well. It is considered that given the current windows there present and those proposed there is no detrimental increase of windows to this gable. The other side gable (sharing a boundary with no 20) currently has no windows to the dwelling house but does have windows to the conservatory to the rear. The proposal proposes two windows which serve ensuite bathrooms. These would be opaque glass to ensure privacy and thus no increase in privacy or overlooking issues would be perceived.

6.14 It is considered the extension and associated layout will not exacerbate any overlooking which exists at present. The separation distance to the neighbouring properties is considered sufficient to prevent any unacceptable overlooking on any property beyond.

Dominance/Overshadowing/Loss of Light

6.15 With regards to dominance, overshadowing and loss of light the dwelling is located on a hill and thus dwellings are constructed in a stepped pattern. Given the proposals which mainly incorporate the re-configuration of the dwelling internally with an extension to the front of the dwelling, an increase to the ridge for 6m and a small extension to the rear it is considered in a whole these would not cause an increase of dominance, overshadowing nor loss of light to the neighbouring properties. Having assessed the circumstances in this case, it is considered the proposed extensions would not result in any unacceptable impact on the amenity of neighbouring properties in terms of overshadowing, loss of light or dominant impact.

Loss or Damage to Trees/ Landscapes

6.16 There is no loss or damage to trees or landscape features which contribute significantly to the local environmental quality as a result of this proposal.

Impacts on amenity space within the curtilage of the property

6.17 It is considered that there would remain adequate space within the curtilage of the property for the enjoyment of normal domestic activities.

6.18 In summary having considered the application against the Planning Policy Addendum to PPS 7 it is considered that the proposal fails for the refusal reasons set out below.

6.0 Recommendation Refusal

6.1 Drawings in which the application relates to Site Location Plan, EPSP/1, EPS&W/1, PC/1, PPS&E/1,

Reasons:

1. The proposal is contrary to policy EXT1 of the Department's Planning Policy Statement 7 Addendum: Residential Extensions and Alterations in that the scale, massing, and design of the upper floor extension (dormer window) would appear as an overly large unduly dominant feature, which would not be sympathetic to the built form and appearance of the existing property and would detract from the established pattern of development and the character of the surrounding area.

Case Officer Signature: Roisin McGrane

Date: 24/05/2023

Appointed Officer Signature: M Keane

Date: 24-05-23

PLANNING COMMITTEE PRESENTATION

By: Ronan Downey RIBA (Agent)

For: Alterations To Dwelling @ 19 Cherry Hill, Rostrevor

Ref: LA07/2022/1326/F

Date: 20/9/23

REFUSAL:

The proposal is contrary to proposal EXT1 of the Department's Planning Policy Statement 7 Addendum: Residential Extensions & Alterations in that the scale massing & design of the upper floor extension (dormer window) would appear as an overly large unduly dominant feature, which would not be sympathetic to the built form and appearance of the existing property and would detract from the established pattern of development and character of the surrounding area.

6.7 "whilst the Planning department are generally content with the ground floor elements, concerns remain regarding the large box dormer... It is considered the sheer size, scale and mass of this dormer window, together with its height above the existing ridge line, will dominate the host property... a dormer should complement the host property. The dormer window proposed requires to be reduced in size and set down below the roof level"

REBUTTAL:

1.0 It is my opinion that, in consideration of this application, Planning did not give enough consideration to the environmental context and established local Planning Approval precedent: This dwelling is detached, located among a variety of bespoke / individual house types of low density on a sloping site.

1.1 PPS7 (2.3) – *Applications for house extensions and alterations therefore raise detailed, site specific issues and each case will be assessed on its individual merits. The acceptability of proposals will depend on the particular circumstances on the site and its surroundings.*

1.2 PPS7 (Addendum) A6 (Design & Context) – Regarding increased ridge height states – *"not usually permitted...where uniform building height is part of the street scene".*

1.3 However, in this case "Uniform building height" is not "part of the street scene" as there are a variety of detached house types, of varying heights, with no two ridge heights the

same. We believe that the, partial, localised increase in ridge height (1.2% of the Front Elevation by area) is not inappropriate in this context.

- 1.4 The Case Officer's Report states – *"The dormer window proposed requires to be...set down below the roof level"*.

However, there is no Planning Policy or guidance document that states that this must be so. In this case, if the dormer is reduced below the ridge line, the reduced internal floor to ceiling height would render the Master Bedroom uninhabitable.

- 1.5 The Case Officer's Report states that the upper box dormer is an – *"overly large, unduly dominant feature"*.

However, the report does not state by what measure this is so. There is no Planning Policy or guidance document that specifies the size of a dormer. The upper box / dormer accounts for a proportionally small 16.5% of the overall Front (Principal) Elevation by area. The upper box dormer is designed as an integral part of the remodelled front elevation. It is a key element of the elevation design and is physically connected to the similar box element below thus connecting levels and bays and adds visual interest to the elevation as a whole. The dimensions of the box dormer is not arbitrary. The height is determined by the industry minimum standard internal height for a habitable room – 2.35m. The width is determined by the existing roof support walls which are retained (either side of the master bedroom) to support the existing roof structure.

- 1.6 Local Precedent – The recent approval at No.8 Cherry Hill (Ref: LA07/2021/0198/F) granted a ridge height increase of 1.4m over the entire extent of the property. The associated Case Officer's Report, noted the following justification in making determination for approval:

"There are a wide range of house types within the Cherry Hill development "

"There is no established common ridge height on the immediately adjacent properties due to the variety of house types and the sloping street topography."

Ronan Downey R.I.B.A.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/1936/F

Date Received: 16/11/2022

Proposal: Proposed change of use of an existing vacant retail unit to form a fast-food restaurant and takeaway at ground floor level with 3 bedroom house of multiple occupancy (HMO) residential accommodation at first floor level.

Location: 27 Monaghan Street, Newry.

Site Characteristics & Area Characteristics:

The application site is located within the City Centre of Newry as defined within the Banbridge / Newry and Mourne Area Plan 2015; the site is positioned on the edge of the Primary Retail Core.

The site at present contains an empty two-storey retail unit that has become somewhat run down in its appearance, the building is flat roof in design. The building has an existing canopy to the front, access is from the street and also via a shared ally way / right of way that leads to the rear.

The site is located in an area with a very mixed use of retail, offices, cafes, takeaways and some residential. The area is a mix of designs with there being no prominent form of architectural design.

Site History:

LA07/2022/1938/A – 27 Monaghan Street, Newry - Proposed projecting sign for 'Subway' fast food restaurant – Current application linked to this change of use application.

Planning Policies & Material Considerations:

The following policies will form the basis of the policy consideration for this application;

- Banbridge Newry Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland.
- Planning Policy Statement 3- Access, Movement and Parking.
- Planning Policy Statement 4 – Planning and Economic Development.
- Planning Policy Statement 7 - Quality Residential Environments.
- Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas.

- Planning Policy Statement 12 – Housing in Settlements.
- DCAN 4: Restaurants, Cafes and Fast Food Outlets
- DCAN 8 – Housing in Existing Urban Areas
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

DFI Roads – Following the submission of additional information in the form of a Travel Plan the latest response received raised no objections although comments did state that parking has not been provided within the curtilage of the site. The response suggested that a condition be included on any approval linked to the information contained within the Travel Plan.

Council Environmental Health – No objections were raised although conditions were suggested to protect residential amenity.

NI Water Strategic Applications – The initial response raised objections and recommended refusal, the agent for the application then was in contact with NIW to try and overcome the issue, a Wastewater Impact Assessment was then submitted. Information from NIW then stated that "Our assessment has indicated that it should be possible to permit a foul connection from this site subject to the developer undertaking some measure of storm water offsetting."

Although the latest response from NIW still recommends refusal given that the agent has liaised with NIW and that comments suggest a solution may be possible it is considered that in this case negative conditions may be placed on any decision as to allow the planning application to progress but also ensure that a solution is agreed before any development may commence.

Objections & Representations:

The proposal was advertised in local press on 31/01/2023 and 01/02/2023, (eight) 8 neighbours were notified of the proposal on 24/01/2023, no objections have been received to the proposal.

Consideration and Assessment:

The proposal is for,

Proposed change of use of an existing vacant retail unit to form a fast-food restaurant and takeaway at ground floor level with 3 bedroom house of multiple occupancy (HMO) residential accommodation at first floor level.

As such the development includes two separate elements in the proposed fast-food restaurant and takeaway and also the proposed HMO, each element will be considered against relevant policy.

Proposed Café.

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

Primary Retail Core. There are no specific policies in the Plan relating to the proposed use which will be assessed against regional planning policy.

The sale of food or drink for consumption on the premises or of hot food for consumption off the premises are sui generis use under the Planning (Use Classes) Order (NI) 2015, i.e., it is not specified in any of the use classes identified in the Use Classes Order. In planning policy terms it is traditionally assessed as being a retail proposal rather than one for economic development. The policy directs retailing towards the town centre to which these proposals will be located and thus is in compliance with the SPPS.

Strategic Planning Policy Statement (SPPS)

Paragraph 6.267 to 6.292 sets out the policy requirements for town centres and retail developments. The text highlights that town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live work and visit them. The SPPS aims to support and sustain vibrant town centres across NI through the promotion of established town centres as the appropriate first choice location of retaining and other complementary functions.

As previously noted, the site is within the designated city centre and retail core. The proposal does not conflict with the designation in the area plan as a complementary service and the proposed use is considered acceptable at this location. The change of use would not have a negative impact on the vitality of the city centre or retail core.

This use is considered compatible with the surrounding land uses as neighbouring properties are mixed use, including a retail, offices, cafes etc. It is evident the ground floor of this subject building which is vacant had some form of retail use. There is residential in the area and the proposal includes an HMO at first floor level. The proposal however will not create conflict with adjacent properties in terms of overlooking, loss of daylight and privacy.

The external works proposed along the front elevation are minimal, the proposal will add a new doorway leading to the first floor HMO, the works will help improve the existing rundown front elevation appearance of the building and in turn the appearance of the area. There are no public safety or road safety issues associated with this proposal.

DCAN 4: Restaurants, Cafes and Fast Food Outlets.

The purpose of this DCAN is to provide general guidance on proposals for restaurants cafes and fast-food outlets. The DCAN acknowledges that these uses complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors.

The main issues Council have considered when assessing this application against the requirements of the SPPS and DCAN 4 are noise and disturbance, impact on residential amenity, smell and fumes, refuse and litter, traffic considerations and parking, the design and appearance of the ground floor in terms of its relationship with the first floor uses and the character of the surrounding area.

The proposal is not considered to cause any neighbouring properties any loss of amenity. Environmental Health were consulted as part of the decision making process

and have raised no objections although conditions were suggested to protect residential amenity.

Environmental Health raised no objections to the proposal although conditions were suggested. Although Environmental Health raised no issues with hours of occupation it is considered that in order to protect any existing or future neighbours it may be beneficial to restrict the hours of operation. A condition may be included restricting the hours of operation as Monday to Saturday 07:00 to 22:00, Sunday 08:00 to 22:00.

It is acknowledged that the proposed ground floor use is not retail, however it is also noted the site is located on the edge of the primary core and has been vacant for some time. While it is recognised there are a number of similar types of establishments along Monaghan Street it is the Council's opinion that due to the scale of the proposal and its proposed location on the periphery of the retail core the development can be absorbed without dominating the prime retail core. Whilst it is accepted that one of the adjacent units is for a similar use the majority of existing buildings along this stretch of Monaghan Street are retail in use and Council therefore do not believe that the proposal by itself or cumulatively would impact on the character, vitality or viability of the town centre. Predicament

It is also noted that the proposed change of use does not involve any significant changes to the existing shop front and will result in an improvement to the street frontage as the current building appears to have been vacant for some time and is in a state of disrepair.

HMO Development

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

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.

PPS7: Policy QD1

Under this policy all proposals for residential development will be expected to conform to all of the following criteria:

Criterion (a) of QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

This criterion relates to design elements and given that the proposal will not result in the appearance of the building being significantly altered it is considered that the proposal will be in accordance with this policy criterion.

The proposal includes some minimal external alterations to provide a new rear stairway and some window alterations, changes will not impact on the overall appearance of the building.

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

The site lies outside any archaeological areas and the proposal will not significantly alter the design of the building.

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

The residents of the HMO would have access to the alleyway / right of way to the rear and side of the building, while it is acknowledged that this area is small, it is sufficient for provision of bins / washing etc. While it is therefore acknowledge that this falls below the recommended standards the sites location means residents would benefit from having easy access to the public amenity open space areas within Newry Recreation Centre and its surrounding playing fields.

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

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Newry City. Adequate provision has been provided for bin storage.

Criterion (e) requires 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 has not included any details on the above however it is considered that the site is located within walking distance to local transport.

Criterion (f) requires adequate and appropriate provision is made for parking.

The proposal includes no in-curtilage parking, DFI Roads had raised concerns regarding parking and the agent provided a Travel Plan.

The Travel Plan has identified sustainable multi-mode travel options to service the 3-bedroom residential HMO development at this site. No dedicated car parking provision will be provided to actively discourage the use of private motor cars. Sustainable modes of transport will be encouraged through the provision of Travel Passes for public transport, the provision of secure cycle storage stands and the excellent connections to the walking and cycling network throughout Newry City Centre and beyond. The site will benefit from the Council's Active Travel Plan and its easy access links to local amenities.

DFI Roads raised no concerns in its latest comments but has suggested that a condition be included relating the provisions of travel passes as set out in the travel plan.

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

The proposal does not significantly alter the external appearance of the building.

Criterion (h) states 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.

As the proposal will not significantly alter the building externally it is considered that there will be no issues with overlooking, loss of light or overshadowing. The Environmental Health Section raised no objections to the proposal in the consultation response provided.

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

The proposal is of a scale that this element is not considered applicable.

PPS 7 Addendum: Policy LC 2

The Conversion or Change of Use of Existing Buildings to Flats or Apartments

Planning permission will only be granted for the conversion or change of use of existing buildings to flats or apartments (including those for multiple occupancy) where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a)there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area;

It is considered that given the location of the application site within a mixed-use area that the HMO will not impact on the character of the area or on the amenity of residential properties.

(b)the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building;

The proposal will not significantly alter the appearance of the building.

(c)the original property is greater than 150 square metres gross internal floorspace;

The original property has a floor area of over 150 square metres, with a total floor area of approximately 220 square metres.

(d)all flats or apartments are self-contained (i.e. having separate bathroom, w/c. and kitchen available for use only by the occupiers); and

The proposal is not for flats or self-contained units, but the nature of this development is to provide shared elements within the property. Each room is to have an en-suite with living space to be shared, this layout is considered acceptable for an HMO.

(e)the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

All the bedrooms within the proposed HMO will have access to the public street.

PPS3

As previously stated, following the submission of additional information by the agent the lasted Roads response raises no specific objections to the proposal, a condition shall be included on any approval relating to the information included in the submitted Travel Plan. The proposal is considered to broadly comply with the requirements set out in PPS3.

The proposed mixed change of use development is considered acceptable given its location and the acceptable size and scale of the subject building, the proposal will help to improve the appearance of the existing rundown building.

Recommendation: Approval**Conditions:**

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved drawings 1757-P-01 and 1757-P-03.

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

3. The hours of operation of the proposed fast-food restaurant and takeaway shall be limited to Monday to Saturday 07:00 to 22:00, Sunday 08:00 to 22:00.

Reason: In the interests of the amenity of the surrounding area.

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

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

5. No part of the development hereby permitted shall be occupied or implemented until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 4, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

6. The HMO element of the development hereby approved shall not be occupied until travel passes as detailed within the submitted Travel Plan have been issued to all occupants of the HMO, passes shall be issued to all new occupants as long as the development continues to be used as an HMO.

Reason: To ensure the development is carried out in line with the submitted Travel Plan.

Informatives

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

Case Officer: Wayne Donaldson **Date:** 01/09/2023

Authorised Officer: Maria Fitzpatrick **Date:** 05/09/2023

Delegated Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2022/1025/F	Target Date:
Proposal: Attached duplex apartment in side garden of existing end terrace dwelling	Location: 31 Hillfoot Crescent Ballynahinch
Applicant Name and Address: Andrea McEvoy 31 Hillfoot Crescent Ballynahinch Bt24 8ES	Agent Name and Address: Crockard Building Design 24 Ballyaligan Road Crossgar Downpatrick Bt30 9DR
Date of last Neighbour Notification:	2 August 2022
Date of Press Advertisement:	5 July 2022
ES Requested: No	
Consultations: DFI Roads NI Water	
Representations: Lisa McKinney, 79 Hillfoot Crescent Linda Ritchie, 27 Hillfoot Crescent Chloe McKinney, 83 Hillfoot Crescent	
Letters of Support	0.00
Letters of Objection	4
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: Oct 2022

Characteristics of the Site and Area

The application site comprises the space immediately to the NE of a row of two storey terraced dwellings. The area is a side garden / yard of no. 31 Hillfoot Crescent and contains their oil tank and boiler. It is surrounded by a wooden fence of varying heights and is mostly covered in loose gravel.

The site lies within a largely residential area, inside the settlement limits of Ballynahinch.



Description of Proposal

Attached duplex apartment in side garden of existing end terrace dwelling

Planning Assessment of Policy and Other Material Considerations

The application is considered against the Ards and Down Area Plan 2015 and in addition to this is also considered against:

PPS3: Access, Movement and Parking,

PPS7: Quality Residential Environments,

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas, PPS12: Housing in Settlements,

DCAN 8: Housing in Existing Urban Areas and SPPS.

PLANNING HISTORY

Planning

Application Number: R/2007/0731/F Decision: Permission Granted Decision Date: 09 November 2007

Proposal: Extension to Dwelling

Application Number: R/2008/0792/F Decision: Permission Granted Decision Date: 10 June 2009

Proposal: Extension & conversion of existing dwelling to provide 2No apartments (Amended proposal description).

CONSULTATIONS

DFI Roads – after initially requesting details of the car parking for this proposal, the agent provided a parking survey that was carried out in November 2022. DFI Roads were consulted on the parking survey and responded with no objections to the proposal based on the figures contained within the Parking Survey.

NI Water – no objections

REPRESENTATIONS

4 Representations from 3 different addresses have been received raising objection to the proposal. Objections are raised on the following grounds:

- The proposal would make the area very claustrophobic and invasive to privacy and surrounding neighbours
- The new build would restrict a lot of visual in the estate and leave children with less safe playing space
- The proposal will directly face my property and impact on my privacy which i have enjoyed for 30 years.
- It will overshadow my property and impact on my natural sunlight
- Will add to an already existing parking problem in the estate
- Parking is normally congested at evenings and weekends
- The proposed dwelling means less open space in a built-up area

- Creates a precedent for other end of terrace owners to do likewise, leaving little landscaping and open space in the estate.
- Road safety during construction phase
- Danger to children during construction phase
- parking survey and feel this is not a true reflection of available parking in this area as it is extremely difficult to get a parking space especially in the evenings and weekends when everyone is home from work. The parking survey only shows parking during daytime hours and on a very quiet day.

EVALUATION

The proposal is for the erection of an attached two storey duplex apartment in the side garden of existing end terrace dwelling at no. 31 Hillfoot Crescent.

The proposal takes the form of a traditional two storey terraced dwelling, like that which it

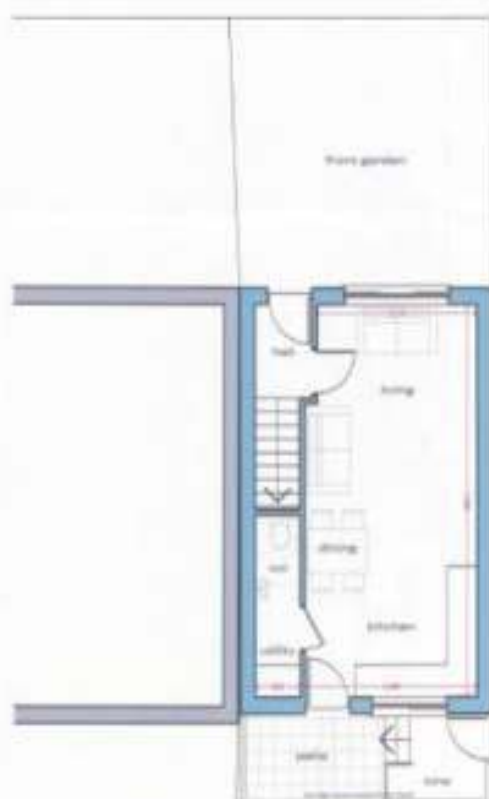


would be attached to. It would have a ridge height of approx. 8m, a depth of 7.8m and a width of 5.10m. The design of the dwelling would replicate those adjoining, with a pitched roof, slightly set down from the ridge of the main dwelling. All finishes would be to match the adjoining dwelling, with facing brick, concrete tiles and white UPVC windows and doors.



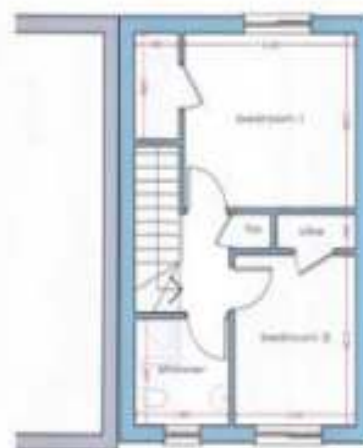
There would be a front garden and a very small patio and bin store to the rear of the dwelling.

Within, the dwelling would have a kitchen/dining and living room downstairs along with utility. Upstairs there would be two bedrooms and a shower room.



Ground Floor Plan

1:50



First Floor Plan

1:50

PPS 3: Access, Movement and Parking

The proposed development would not have specific assigned parking. The agent has stated that parking would be served via the shared parking in and around the estate. DFI Roads responded to their first consultation seeking details of parking for the proposed dwelling. The agent supplied a parking survey carried out in Nov 2022. The parking survey demonstrated that there was parking availability within 100m of the application site at a selection of times over a couple of days. DFI Roads were consulted on the contents of this survey and responded with no objections to the proposal based on the figures contained within the Parking Survey.

Officers note objections in terms of parking provision and road safety during any future period of construction. Given that DFI Roads have found the amount of parking available shown in the parking surveys to be acceptable – officers are inclined to think the shared parking arrangement is sufficient in this regard.

In terms of the concerns raised regarding potential dangers to children of the construction phase – the construction phase is a transient situation rather than a permanent one. It is not considered that construction traffic is any more dangerous to road safety than other traffic in the estate.

PPS7: Quality Residential Environments

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

The proposed development must respect the surrounding context and should be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. Officers consider that the appearance of the dwelling would be considered in keeping with the surrounding built form, all of which follows the same design and use of materials. It is not considered that the addition of another dwelling onto the end of this terrace would result in an alteration in the character of this residential area.

Objection was raised on issues relating to privacy, loss of light and overshadowing and the proposal being invasive. Officers are not concerned that there would be any significant loss of light as a result of the proposal given the presence of terrace blocks in the immediate area all resulting in some degree of overshadowing to others. There would be a distance of some 10m between the rear windows of the proposed dwelling and the front windows of no. 79 to the rear. Officers consider that this intervisibility to result in a harmful loss of privacy to both the proposed dwelling and those in no. 79 given that the windows serve habitable bedrooms at both first and ground floor. This separation distance of 10m would also result in an overbearing and dominating impact for no. 79. The proposal therefore fails to comply with QD1 (h) of PPS 7.

The application site to the fore, with no. 79 sitting to the rear of the site.



There would be a separation distance of approx. 16m between the proposed dwelling and those opposite at no. 29 and 27. This is in keeping with the existing relationship between 31 and 29 and is therefore considered to be no more harmful than this.

The proposed dwelling would have a small front garden which is considered to be open and not considered to be private amenity space. It also has a very small rear patio of 2.7m by 1.6m which results in approx. 4.32sqm which could also potentially contain a boiler/oil tank or gas

canister or other domestic paraphernalia. Policy QD1 (c) states that adequate provision will be made for private open space in new development. Officers do not consider this small patio constitutes adequate private amenity space and it therefore falls short of the space standards. The dwellings opposite and surrounding have rear private amenity space of between 39sqm (no.29, no.79) and 54sqm (no.31.) Creating Places (5.19) states that for any individual house an area less than around 40sqm will generally be unacceptable. No private communal area is provided as an alternative to this shortfall. The provision of private amenity space proposed in this development is therefore considered to be unacceptable.

Criterion (f) of QD1 further states that adequate and appropriate provision should be made for parking. As stated above, parking has not been specifically provided for this additional dwelling however DFI Roads have found the use of communal parking to be acceptable.

The agent put forward some examples whereby apartments have been approved in this council area, with little to no private amenity space. These examples all refer to conversions of units on high streets in town centres. This is an entirely different case whereby the proposed dwelling will be in a residential setting surrounded with houses all of which have adequate private amenity space. It would be entirely out of character for this one dwelling to have only 4.3sqm of private amenity space given its surrounding context.

PPS12: Housing in Settlements

Planning Control Principle 2: Good Design requires all new housing developments to demonstrate a high quality of design, layout and landscaping. As discussed above, officers do not consider that the proposed design, scale and layout is appropriate to the area in terms of loss of privacy and provision of private amenity space.

DCAN 8: Housing in Existing Urban Areas

DCAN 8 paragraph 3.22 states that distance separation, screening, window size and style, orientation and location of rooms and circulation space are some of the factors to consider in relation to ensuring adequate privacy and daylight. It further states in paragraph 3.23 that the protection of neighbouring properties from unreasonable loss of light is a well-established planning consideration, and it is also important that layouts and dwellings are planned to provide acceptable levels of daylight into interiors.

Officers consider that the proposal would fail to comply with the guidance set out in the above paragraphs in that the separation distance between the proposed windows and no. 79 to the rear would be only 10m. Given that this separation distance affects habitable room windows at both ground and first floor, this level of intervisibility is considered to result in a harmful loss of privacy to no. 79 and any future occupier of the proposed development.

In consideration of the above, officers consider that the proposal is contrary to policy and that refusal is therefore recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation	
<i>Refusal is recommended</i>	
Reason for Refusal:	
<ol style="list-style-type: none"> 1. The proposed development fails to comply with Policy QD1 (c) and (h) of PPS7 as the resultant dwelling would have insufficient private amenity space and the proposal would result in an overbearing impact and harmful loss of privacy on no. 79 Hillfoot Crescent. 	
Case Officer Signature: J McMullan	
Date: 26 July 2023	
Appointed Officer: A.McAlarney	Date: 28 July 2023

Delegated Application

Development Management Officer Report	
Case Officer: Annette McAlarney	
Application ID: LA07/2022/1714/F	Target Date:
Proposal: New Dwelling and Garage	Location: Lands 71m south west of existing agricultural building which are immediately adjacent to No.52 Ribadoo Road, Ballyward, Castlewellan (amended address)
Applicant Name and Address: Eileen Davidson 52 Ribadoo Road Ballyward Castlewellan BT31 9SY	Agent Name and Address: P.S Design 9 Drumview Road Lisburn BT27 6YF
Date of last Neighbour Notification:	23 November 2022
Date of Press Advertisement:	19 July 2023
ES Requested: No	
Consultations: DFI Roads DAERA NIW HED DFI Rivers	
Representations: Colin McGrath MLA Support	
Letters of Support	1
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
<div><div><div><p>LOCATION MAP</p><p>PROPOSED HOME INCLUSIVE & GARAGE</p><p>100m S/W No.42 RIBADOO ROAD, CASTLEISLAND</p><p>1:2500</p><p>DATE: 06/2022</p><p>BY: P.S. Design</p></div></div><div><div><p>PROPOSED DEVELOPMENT</p><p>100m S/W No.42 RIBADOO ROAD, CASTLEISLAND</p><p>1:2500</p><p>DATE: 06/2022</p><p>BY: P.S. Design</p></div></div></div>	
	
Date of Site Visit: May 2023	
Characteristics of the Site and Area	
<p>The site is located along the Ribadoo Road, to the SW of No.52 Ribadoo Road. It is comprised of a portion of land cut out of a larger agricultural field currently used for grazing. The site slopes down from the public road in a south-westerly direction. The site is undefined by mature vegetation but does benefit from a backdrop. The remaining boundaries are currently undefined. The site is located along a lane which serves a number of buildings. Rural area, dispersed pattern of development. Mournes AoNB.</p>	

Description of Proposal

New Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Banbridge Newry and Mourne Plan 2015, PPS 3, PPS15, PPS 21 (CTY 10, 13, 14,16), Building on Tradition in addition, to the history and any other material considerations.

PLANNING HISTORY

Application Number: LA07/2021/2081/F Decision: Permission Granted Decision Date: 27 May 2022
Proposal: Retention of Existing Calving/ Handling Facilities plus Machinery and Straw Storage Shed
(Existing Domestic Garage integrated into overall building)

SUPPORTING DOCUMENTS

DAS

CONSULTATIONS

DFI Roads content subject to conditions
DFI Rivers content
HED No archaeological requirements
NIW content
DAERA Farm business active and Est ad claims payments

REPRESENTATIONS

Colin McGrath MLA Support

EVALUATION

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 he considers the proposal to comply with CTY 10 of PPS 21.

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion, it is noted that the applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has not revealed any other planning applications in connection with the business ID, nor any other developments being sold off.

The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25th November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b)

The proposed site is located 71m from the existing group of buildings on the farm, which includes No.52 and the adjacent farm sheds. From critical viewpoints on approaching the site from the NE, the distance between the proposed site and the established buildings is readily apparent. Given the distance involved the degree of visual linkage is limited. In terms of clustering given the separation distance the site does not cluster with the established buildings.

It is therefore considered a dwelling would not cluster or visually link with the established group of buildings on the farm. The proposal fails to comply with criterion (c).

CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

- (a) It is a prominent feature in the landscape
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) It relies on primarily on the use of new landscaping for integration;
- (d) The ancillary works do not integrate with their surroundings
- (e) The design of the dwelling is inappropriate for the site and its locality
- (f) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (g) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.



The site requires the planting of 2 new boundaries on the N and NE boundaries of the site. The site would benefit from a backdrop. The proposed house type is modest at single storey design. However, the site fails to cluster or visually link with the est group of farm buildings and for this reason offends this element of CTY13.

CTY14

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

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The proposed dwelling is a single storey modest dwelling and would not be considered prominent in the landscape. It is acknowledged that the proposed siting for the dwelling and garage does have a propensity for ribboning along the lane when taking No.52, its sheds and the stone cottage to the south of the site. Site therefore fails (d).

CTY16

Septic tank indicated within site with soakaways on lands owned and controlled by applicant. Consent to discharge subject to separate consenting regime.

PPS 2 Natural heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

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. For the reasons outlined above the proposal fails to comply with CTY10, 13 and 14 of PPS21 and is not an accepted form of development in the Mourne AONB offending criterion (a).

PPS3

The site will utilise an existing private lane to access onto a public road therefore, PPS 3 Policy AMP 2: Access to Public Road, is applicable which states that planning permission will only be granted for a development involving direct access, or the intensification of the use of an existing access where;

- Such access will not prejudice road safety or significantly inconvenience the flow of traffic.

Following a consultation with DfI Roads it is considered that the proposal is acceptable in terms of road safety.

PPS15 (Revised) Planning and Flood Risk

FLD1 - Development in Fluvial Flood Plains - The Flood Map (NI) indicates that the current site lies outside the 1 in 100 year fluvial floodplain. No DA required. No objection.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposed development is contrary to the SPPS, PPS 21 CTY1, CTY10 and PPS2 NH6 10 in that there is no overriding reason why this development is necessary in this countryside and AONB and fails to visually link or cluster with an established group of buildings on the farm holding.
2. The proposed development is contrary to PPS 21 CTY13 (g), CTY14 (d) in that the proposed development
 - is not visually linked or sited to cluster with an established group of buildings on the farm.
 - it creates a ribbon of development along the laneway.

Appointed Officer: A.McAlarney

Date: 31 July 2023

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

The application site is located south-west of the main farm dwelling and agricultural shed at 52 Ribadoo Road. The application site is within an agricultural field which is adjacent to both the existing farm dwelling and shed. The field falls in level from the roadside before rising again to the western boundary. Along the roadside, the levels of the field rise upwards from the existing farm dwelling. The application site is a distinctly level portion of this field which lends itself to the siting of the new farm dwelling. The undulating levels elsewhere within the field would require significant cut and fill to facilitate a dwelling on the land.



Image 1 – Existing dwelling, farm shed and yard adjacent to the application site

The site selection will allow for the ongoing agricultural activity of the remaining land as shown in the aerial images below. The proposed dwelling will be located where the tractor is positioned, allowing for the remainder of the land to be grazed within easy access of the farm shed and yard. The portion of ground between the farmyard and the application site slopes on either side into a hollow, which is subject to surface water flooding as confirmed by DFI Rivers flood mapping. In addition, this portion of ground contains a 900 mm storm drain below the surface which carries water from the Ribadoo Road and surrounding fields set above, with water discharging to the watercourse on the opposite side of the lane. The septic tank serving the existing dwelling at 52 Ribadoo Road is located within the land between the application site and the agricultural shed.



Image 2 – Aerial imagery indicating proximity to existing farm buildings and undulating levels

The applicant has selected the application site in order to comply with the requirement to visually link with the existing dwelling, farm shed and yard. There are no other intervening neighbouring properties, and it is obvious that the proposed single storey dwelling will be clearly visually linked and will form part of the overall holding. The applicant has a farm business that has been active and established and no other development opportunities have been sold off.



Image 3 – Viewpoint from Ribadoo Road

The new dwelling will be set 63 metres to the south-west when measured from the corner of the farmyard. Access to the proposed dwelling will be obtained from the existing laneway which currently serves both the dwelling and agricultural shed. There are numerous examples of dwellings approved recently under CTY 10 where the application site has been setback from existing buildings on the farm similar to the arrangement of the current application –

LA07/2022/0958/F

Approx. 100m East of 20 Rosemount Road, Ballynahinch

LA07/2022/0274/F

90 metres NE of 42 of 42 Longfield Road, Lislea, Newry

LA07/2021/2023/O

75 metres south of no. 13 Tunnell Road, Lissummon, Newry

LA07/2021/1395/F

Lands 80m south of 36 Carmeen Road, Edentrumly, Mayobridge

The applicant respectfully requests that the planning committee take the above points into consideration, along with the amended plans and planning supporting statement submitted to the planning case officer and receipt acknowledged 1st March 2023. To date this information has not been uploaded to the public Planning Portal and we request that this is made available in advance of the upcoming planning committee meeting.