



August 18th, 2023

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 23rd August 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.

Apologies:

Cllr Byrne

Conor Mallon

2.0 Declarations of Interest.

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

4.0 Minutes of Planning Development Committee Meeting - Wednesday 26 July 2023. (To follow)

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


 *Addendum list - 23-08-2023.pdf*

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Local Development Plan Items - Exempt Information

6.0 LDP Progress Report - Quarterly Update.

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

 *PC Report re LDP Progress - Quaterly Update June - August.pdf*

Not included


 *LDP Progress - Quarterly Update (June- August)(Report Appendix).pdf*

Not included

Development Management - Planning Applications for determination

7.0 LA07/2023/2280/F - Erection of ball stop netting over existing 3G sports pitch - 32 Circular Road Castlewellan Down. (Attached)

APPROVAL

 *2023_2280_Circular Rd.pdf*

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8.0 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. (Attached)

APPROVAL

[LA07-22-1633.pdf](#)

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

REFUSAL

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

[LA07-2022-0819-F.pdf](#)

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[LA07.2022.0819.F - support.pdf](#)

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10.0 LA07/2022/1557/F - Proposed pair of semi detached dwellings - Opposite no. 1 Commons School Road and to the rear of no. 1 Bingian Terrace Newry BT34 2QH. (Attached)

REFUSAL

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

[LA07-2022-1557-F.pdf](#)

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[LA07.2022.1557.F - support.pdf](#)

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11.0 LA07/2022/0612/F - Proposed demolition of existing dwelling and replacement with new dwelling - 28 Warrenpoint Road, Rostrevor. (Attached)

APPROVAL

- A request for speaking rights has been received from Abigail Kilgore and Mark Conn DAERA, in objection to the application.
- A request for speaking rights has been received from John Cole, agent, in support of the application. (Submission attached)

12.0 LA07/2022/1496/F - Proposed erection of an off-site replacement rural dwelling with detached domestic garage, associated landscaping and associated site works.- Lands adjacent to No. 17 Derrycraw Road Newry, Co. Down, BT34 1RG. (Attached)

REFUSAL

- A request for speaking rights has been received from Mr McCamley, applicant and Barney McKeivitt, agent, in support of the application. (Submission attached)

13.0 LA07/2022/1554/F - Proposed erection of 2no. rural semi-detached infill dwelling houses with domestic garages, ancillary site works and associated landscaping - Lands adjacent to and approximately 15m south of no. 18 Newtown Road Killeavy, Newry BT35 8NN. (Attached)


REFUSAL

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

14.0 LA07/2021/1995/F - Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle. (Attached)

APPROVAL

- A request for speaking rights has been received from Mary Rooney & Barry Hillen, agent, in objection to the application. (Submission attached)

 *2021_1995_Boulevard.pdf*

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 *LA07.2021.1995.F - objection.pdf*

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15.0 LA07/2021/1273/O - Dwelling and garage on a farm - 227m South Of 52 Holly Park Road Crossgar. (Attached)

REFUSAL

- A request for speaking rights has been received from Andrew Gibson Applicant, in support of the application. (Submission attached)

 *LA07-2021-1273-O- HollyPark.pdf*

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 *LA07.2021.1273.O - support.pdf*

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16.0 LA07/2022/1261/F - Proposed side extension to dwelling and new vehicular access - 4 Majors Hill, Annalong (Attached)

REFUSAL

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

 *LA07-2022-1261-F.pdf*

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 *LA07-2022-1261-F - support.pdf*

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17.0 LA07/2022/1534/F - Change of house type and detached garage in substitution to the extant approvals granted under P/2003/2089/O and P/2007/0558/RM -51 Drumlough Road, Rathfriland (site previously described as opposite 50 Drumlough Road Rathfriland). (Attached)

REFUSAL

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

 *LA07-2022-1534-F.pdf*

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**18.0 LA07/2022/1313 - 2 storey dwelling and garage on an infill site
- Lands to the immediate east of 3 Bog Road, Killeen.
(Attached)**

REFUSAL

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

LA07-2022-1313-O (infil) Bog Road (Amended).pdf

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LA07.2022.1313 - support.pdf

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Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 23 August 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:

- **LA07/2023/2280/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

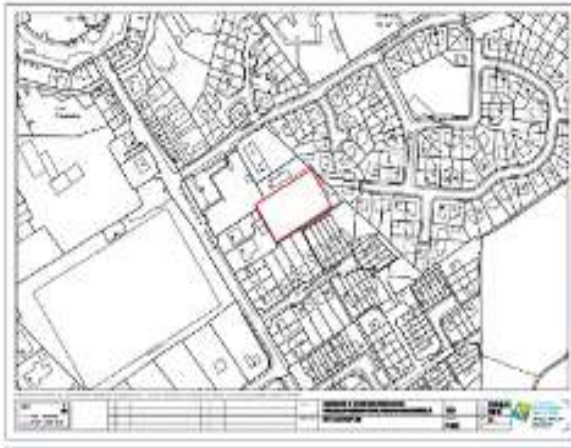
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Committee Application

| Development Management Officer Report | |
|--|--|
| Case Officer: Annette McAlarney | |
| Application ID: LA07/2023/2280/F | Target Date: |
| Proposal: Erection of ball stop netting over existing 3G sports pitch | Location: 32 CIRCULAR ROAD CASTLEWELLAN CASTLEWELLAN DOWN BT31 9ED |
| Applicant Name and Address: NMDDC Downshire Civic Centre Ardglass Road Downpatrick BT306GQ | Agent Name and Address: NMDDC Downshire Civic Centre Ardglass Road Downpatrick BT306GQ |
| Date of last Neighbour Notification: | 25 May 2023 |
| Date of Press Advertisement: | 12 April 2023 |
| ES Requested: No | |
| Consultations: Nil necessary | |
| Representations: nil | |
| Letters of Support | |
| Letters of Objection | |
| Petitions | |
| Signatures | |
| Number of Petitions of Objection and signatures | |
| Summary of Issues: Visual and residential amenity | |

Site Visit Report

Site Location Plan:



Date of Site Visit: May 2023

Characteristics of the Site and Area

Within the settlement limits of Castlewellan as identified in the ADAP 2015. Within a mixed area of residential, sporting, community and educational uses. Opposite a Gaelic pitch and adjacent to the Castlewellan Community Centre and Bunscoil Bheanna Boirche. Existing 3G pitch on site.

Description of Proposal

Erection of ball stop netting over existing 3G sports pitch

Planning Assessment of Policy and Other Material Considerations

SPPS

Ards and Down Area Plan 2015

PLANNING HISTORY

Planning

Application Number: R/1993/0348

Decision: Withdrawal

Decision Date:

Proposal: Dwelling

Application Number: R/1991/6062

Decision: Enquiry: Other Letter Issued

Decision Date:

Proposal: Disposal of Castlewellan High School Castlewellan Co Down

Application Number: R/1996/0296

Decision: Permission Granted

Decision

Date:

| | | |
|---|------------------------------|----------|
| Proposal: Housing development Application Number: R/1977/0218 Date: | Decision: Permission Granted | Decision |
| Proposal: BOUNDARY WALL Application Number: R/1980/0571 Date: | Decision: Permission Granted | Decision |
| Proposal: DOUBLE UNIT - TEMPORARY CLASSROOMS Application Number: R/1991/0875 Date: | Decision: Permission Granted | Decision |
| Proposal: Dwelling Application Number: R/1993/0921 Date: | Decision: Permission Granted | Decision |
| Proposal: Dwelling Application Number: R/1990/0824 Date: | Decision: Permission Granted | Decision |
| Proposal: 2 storey dwelling Application Number: R/1997/0049 Date: | Decision: Permission Granted | Decision |
| Proposal: Provision of multiplay surface fencing, car-parking and lighting Application Number: R/1976/0692 Date: | Decision: Permission Granted | Decision |
| Proposal: TWO TEMPORARY CLASSROOMS Application Number: R/1993/0231 Date: | Decision: Permission Granted | Decision |
| Proposal: Change of use from school to community centre including alteration and a single storey toilet block extension Application Number: R/1978/0588 Date: | Decision: Permission Granted | Decision |
| Proposal: EXTENSION TO DWELLING Application Number: R/1986/1059 Date: | Decision: Permission Granted | Decision |
| Proposal: Change of use to community hall (enlarged site) Application Number: R/1992/0179 Date: | Decision: Permission Granted | Decision |
| Proposal: Alteration and change of use to community hall Application Number: R/1992/1105 Date: | Decision: Permission Granted | Decision |
| Proposal: Alteration, Extension and Change of Use to Community Centre Application Number: R/1977/0207 Date: | Decision: Permission Granted | Decision |
| Proposal: CHANGE OF USE OF PART OF PRIMARY SCHOOL SITE TO YOUTH AND/OR COMMUNITY Application Number: R/2000/1069/F Date: 13 November 2000 | Decision: Temporary Approval | Decision |

| | | |
|--|--|----------|
| Proposal: Two temporary mobile classrooms. | | |
| Application Number: R/2001/0880/F | Decision: Temporary Approval | Decision |
| Date: 01 October 2001 | | |
| Proposal: Additional temporary mobile classroom to existing temporary school. | | |
| Application Number: R/2002/1007/F | Decision: Permission Granted | Decision |
| Date: 10 October 2002 | | |
| Proposal: Temporary mobile classrooms for primary school. | | |
| Application Number: R/2001/0395/F | Decision: Permission Granted | Decision |
| Date: 11 October 2002 | | |
| Proposal: Residential Development | | |
| Application Number: R/2004/0715/F | Decision: Permission Granted | Decision |
| Date: 01 March 2005 | | |
| Proposal: Proposed change of house types (i.e) 4 blocks of 3 no. townhouses to site nos.16-18,19-21, 26-28 and 29A 29B and 29C plus pair of semi detached to sites 23-22 and a detached dwelling on site 24. (amended proposal). | | |
| Application Number: R/2005/0612/F | Decision: Permission Granted | Decision |
| Date: 28 June 2005 | | |
| Proposal: Retrospective detached garage. | | |
| Application Number: R/2005/1475/F | Decision: Permission Refused | Decision |
| Date: 08 April 2006 | | |
| Proposal: Proposed additional townhouse. Block of 3 No. previously approved townhouses changed to proposed block of 4 No townhouses. | | |
| Application Number: R/2008/0479/F | Decision: Permission Granted | Decision |
| Date: 13 October 2008 | | |
| Proposal: Change of house types to site nos 67, 68 & 69 and additional semi-detached dwelling to new site 69A. | | |
| Application Number: R/2008/0622/F | Decision: Permission Granted | Decision |
| Date: 31 October 2008 | | |
| Proposal: Demolish existing garage at rear and provide single storey rear extension for utility,bedroom and living room. | | |
| Application Number: R/2007/1266/F | Decision: Permission Granted | Decision |
| Date: 25 February 2009 | | |
| Proposal: Change of house types to site nos 29b,29c,39,40,41,42,43,44,77,78,79,80,81,82,87,88,89,90,91,92,93,94 and 2m wide N.I.E easement added between sites 34 and 35 (amended proposal description). | | |
| Application Number: R/2009/0143/F | Decision: Permission Granted | Decision |
| Date: 03 June 2009 | | |
| Proposal: Single storey extension to side and rear of existing property with 2m high fence installed. | | |
| Application Number: R/2009/0495/LDP | Decision: Permission Granted | Decision |
| Date: 17 July 2009 | | |
| Proposal: Proposed single storey extension to rear. | | |
| Application Number: R/2010/0715/Q | Decision: Enquiry: Other Letter Issued | |
| Decision Date: 06 September 2010 | | |
| Proposal: Copy of planning permission for community centre | | |

Application Number: R/2011/0016/F Decision: Permission Granted Decision Date: 28 October 2011

Proposal: Retention of 2no. existing temporary classrooms for youth recreational facilities and removal of 1no classroom.

Application Number: R/2013/0185/F Decision: Permission Granted Decision Date: 09 July 2014

Proposal: Part demolition of existing community centre with refurbishment of remaining original building and construction of a new build extension incorporating existing Naiscoil Uachtar Tire and nursery school units, Four Courts Sports Hall and fitness suite with associated landscaping and site works.

Application Number: LA07/2015/0188/F Decision: Permission Granted Decision Date: 25 March 2016

Proposal: Retrospective application for change of use from external picnic area to children's play area with associated fixed apparatus and landscaping works.

Application Number: LA07/2017/0182/F Decision: Permission Granted Decision Date: 29 March 2017

Proposal: Relocation of existing modular buildings on site for a temporary period in association with planning approval R/2013/0185/F for redevelopment of the Community Centre

Application Number: LA07/2017/1208/NMC Decision: Consent Granted Decision Date: 05 September 2017

Proposal: Changing a proposed area of flat roofing to a proposed area of pitched roofing

CONSULTATIONS

No consultations deemed necessary

REPRESENTATIONS

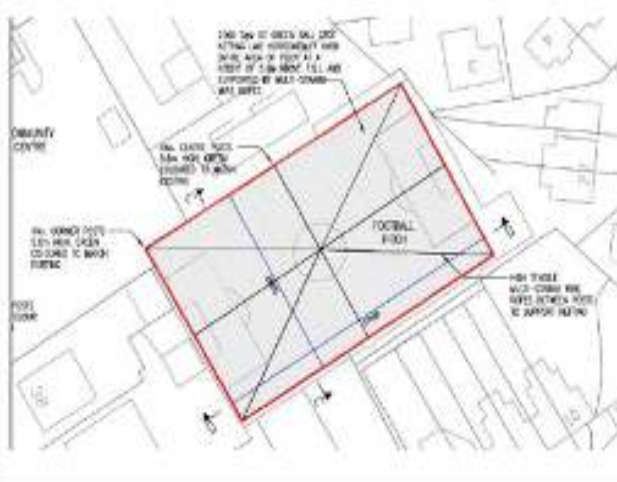
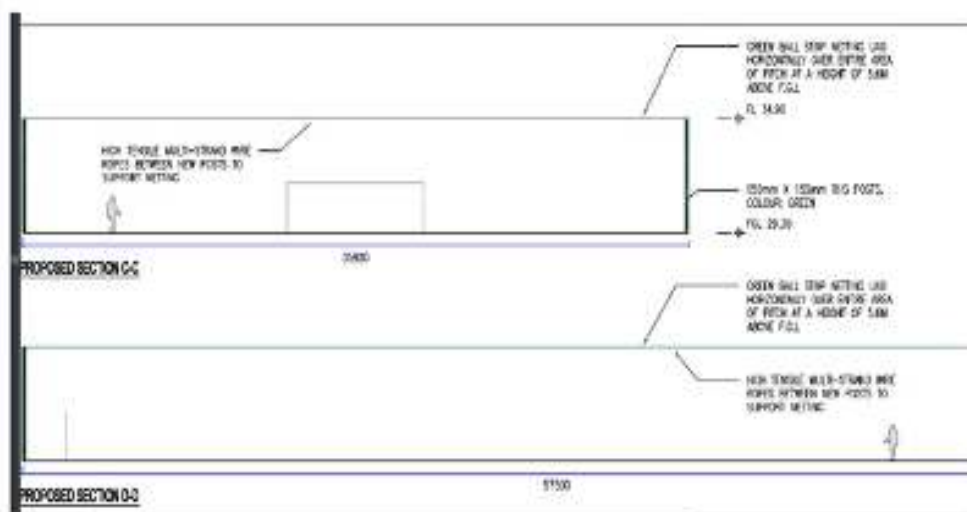
Nil to date

EVALUATION

Under the SPPS, para 3.8 states the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

The site is zoned as Existing Amenity Open Space and recreation in the Ards and Down Area Plan.

The application is for the erection of ball stop netting over an existing 3G pitch at Castlewellaan Community Centre. The netting will cover the entire pitch at a height of 5.6m above GFL, it will be fixed by high tensile multi strand wire ropes on top of existing 5.6m posts and NV mesh panels.



| | |
|---|---------------------------|
| <p>Key consideration in the assessment of this proposal is visual impact and impact on existing residential properties. The purpose of the proposed netting is for safety purposes. Potentially affected neighbours have been notified, no representations have been received.</p> <p>It is the opinion of the planning department that given the nature of the proposal that there will be no impact on neighbouring properties at St Malachys Crescent, Church View, Church Place and Circular Road. Given this is an existing facility the addition of netting shall not detract visually from the surrounding area.</p> <p>Approval is recommended.</p> <p>As this is a Council submitted application it will be presented to the Planning Committee for endorsement.</p> | |
| Neighbour Notification Checked | Yes |
| <p>Summary of Recommendation Approval</p> | |
| <p>Condition:</p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> | |
| Appointed Officer: A.McAlarney | Date: 19 July 2023 |

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

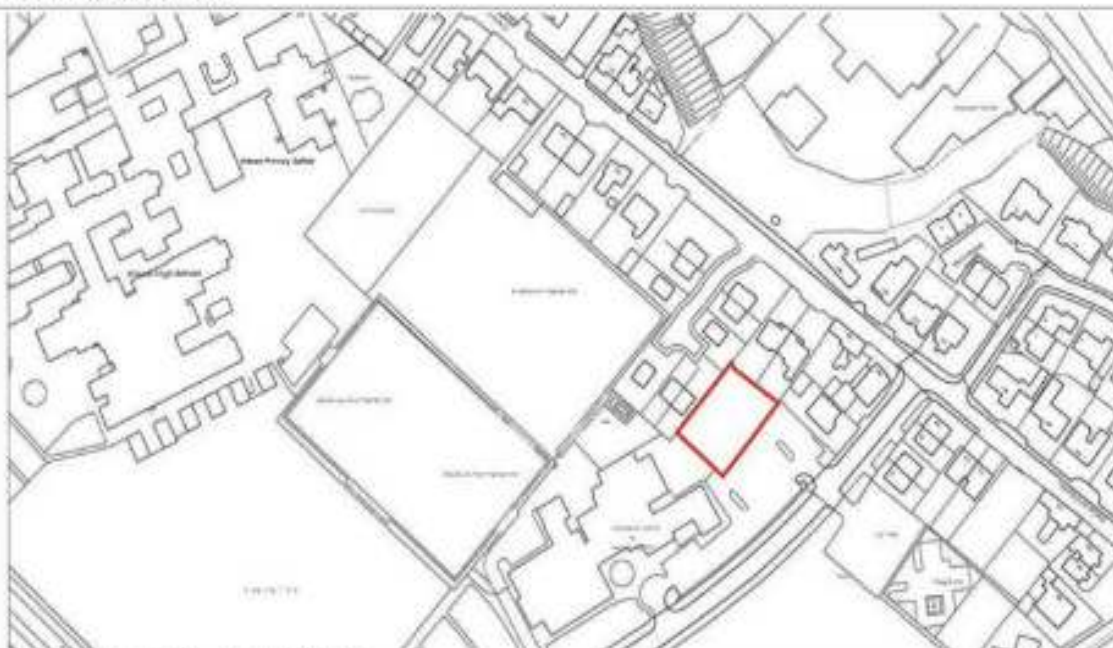
Committee Application

| Development Management Officer Report | |
|---|---|
| Case Officer: Clare McCoy | |
| Application ID: LA07/2022/1633/F | Target Date: 1 Feb. 2023 |
| Proposal: Proposed floodlighting consisting of 4 no. lighting columns/luminaires to MUGA pitch (approved under LA07/2021/2066/F) | Location: Kilkeel Leisure Centre Mourne Esplanade Kilkeel BT34 4DB |
| Applicant Name and Address: Newry, Mourne and Down District Council O'Hagan House Monaghan Row Newry BT35 8DJ | Agent Name and Address: Haughey House Greenbank Industrial Estate Newry BT34 2QU |
| Date of last Neighbour Notification: | 1 December 2022 |
| Date of Press Advertisement: | 21 October 2022 |
| ES Requested: No | |
| Consultations: Environmental Health: Initial response requested the following: <ul style="list-style-type: none"> • The proposed hours of operation for the flood lighting should be provided. • A lighting plot should be provided showing how light from the flood lighting will impact on any nearby dwellings. The impact of the lighting should be assessed in accordance with the Institution of Lighting Professionals Guidance Notes on the Reduction of Obtrusive Light. <p>Following receipt of further information and further consultation was issued to Env Health, who offer no objections, subject to conditions. (See below- hours of operation and LUX levels).</p> | |
| Representations: 7 Neighbours were notified on 17 November 2022. | |
| Letters of Support | 0.00 |
| Letters of Objection | 0.00 |
| Petitions | 0.00 |
| Signatures | 0.00 |

| | |
|--|------|
| Number of Petitions of Objection and signatures | None |
| Summary of Issues: No third party representations received. | |

Site Visit Report

Site Location Plan:



Date of Site Visit: 04/01/2023

Characteristics of the Site and Area

The site is within the development limits of Kilkeel as designated in the Banbridge, Newry and Mourne Area Plan 2015. The site is also within an Area of Outstanding Natural Beauty, although it is unzoned whiteland it sits within the grounds of Kilkeel Leisure Centre which is zoned as a Major Area of Existing Open Space. The application site comprises a vacant plot of land within the complex of Kilkeel Leisure Centre to the right hand side of the leisure centre building. Residential dwellings abut the application site to the north, east and west. The site is enclosed by post and wire fencing to the west and palisade fencing to the south.



Image 1 Application Site

Description of Proposal

Proposed floodlighting consisting of 4 no. lighting columns/luminaires to MUGA pitch (approved under LA07/2021/2066/F)

Planning Assessment of Policy and Other Material Considerations

This planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 21 Sustainable Development in the Countryside
- PPS 8 Open Space, Sport and Outdoor Recreation
- PPS 2 Natural Heritage

Planning History

- Application Number: LA07/2021/2066/F Decision: Permission Granted
Date: 22 April 2022
Proposal: Proposed gym extension to front of existing leisure centre, proposed play area and proposed MUGA pitch on the leisure centre grounds
- Application Number: P/1996/1088 Decision: Permission Granted
Proposal: Alterations and extension to existing sports centre to include new swimming pool, fitness suite, entrance lobby and associated car parking and landscaping
- Application Number: P/1995/1200 Decision: Withdrawal
Proposal: Extension to sports centre

Consideration and Assessment:**Proposal**

This application seeks consent for four floodlighting columns to the approved MUGA pitch under planning ref LA07/2021/2066/F. The floodlighting columns measure 6m in height.

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development limit of Kilkeel as designated in the Banbridge, Newry and Mourne Area Plan 2015. The site is also within an Area of Outstanding Natural Beauty and although it is unzoned whiteland it sits within the grounds of Kilkeel Leisure Centre which is zoned as a Major Area of Existing Open Space.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland

Paragraph 6.213 states that Planning Authorities should carefully consider development proposals for all sports and outdoor recreational activities. The relevant

planning considerations include the following: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport, floodlighting, landscaping, public safety, nature conservation, biodiversity and archaeology and built heritage. These issues along with the specific criteria outlined in PPS 8 Policy OS 7 Floodlighting of Sports Facilities and Outdoor Recreational Facilities will be considered below.

Location and Design

The proposal seeks to 4 install floodlights around the site which has been approved as a MUGA pitch under application – LA07/2021/2066/F. Two floodlights are proposed on the western and two on the eastern side of the pitch. The proposed floodlights measure 6m in total. There are existing floodlights in and around the vicinity of the existing leisure centre. I am content the location and design of the proposal is appropriate to the existing context.

Hours of Operation

Environmental Health have requested in their consultation response that a condition is placed on any forthcoming decision that the floodlights shall only be in use between hours of 16:00 to 22:00. I consider this is appropriate given the close proximity of the residential properties adjoining the site.

Residential Amenity

There are four residential properties adjoining the site on the western and northern boundaries. The supporting information provided outlines there is no spill over and no accumulating impact on the levels of existing illuminance due to spill over. The operation hours of the lighting will be restricted by a planning condition to be in use between 4pm and 10pm. I consider this is appropriate to mitigate against any impact on residential amenity. There is no increase in the users of the facility therefore I consider potential impacts on noise or additional traffic will be limited. There are no objections from residential properties in close proximity to the existing facility.

Visual Impact

Floodlights are the type of development that is commonplace in the environs of sports grounds, I consider this development is appropriate to the existing context. The proposed floodlights are unlikely to negatively affect the visual amenity of the wider area as they will be read in conjunction with the existing sports ground.

Access

Access to the site is not impacted as a result of the proposal.

Public Safety

The proposed development will have no impact on public safety in terms of traffic or transport on land or in the air.

Nature Conservation, Biodiversity, Archaeology and Built Heritage

| | |
|--|-----|
| <p>There is a larger multi sports pitch with floodlights to the rear of Kilkeel Leisure Centre, north west of the application site. This proposal is on a smaller scale, thus less likely to have a negative impact on nature conservation or biodiversity than the floodlights which already exist in the environs of Kilkeel Leisure Centre. There are no features of archaeology and built heritage in the immediate vicinity of the proposal, thus no impact.</p> | |
| Neighbour Notification Checked | Yes |
| Summary of Recommendation: Approval | |
| <p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development hereby permitted shall take place in strict accordance with the following approved plans: NM107 – B-1-40, NM107 – B-1-41 Reason: To define the planning permission and for the avoidance of doubt. 3. The operating hours of the flood lighting hereby approved shall be limited to between 16:00 to 22:00 hours. Reason: In the interests of amenity. 4. All flood lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare and spill. The proposals shall comply with the requirements of ILP Guidance Notes for the reduction of Obtrusive Light for Environmental Zone namely: E3 pre-curfew 10 Lux, post curfew 2 Lux. Reason: In the interests of amenity. | |
| Case Officer Signature: Clare McCoy | |
| Date: 8 th August 2023 | |
| Appointed Officer Signature: M Keane | |
| Date: 08-08-23 | |

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



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

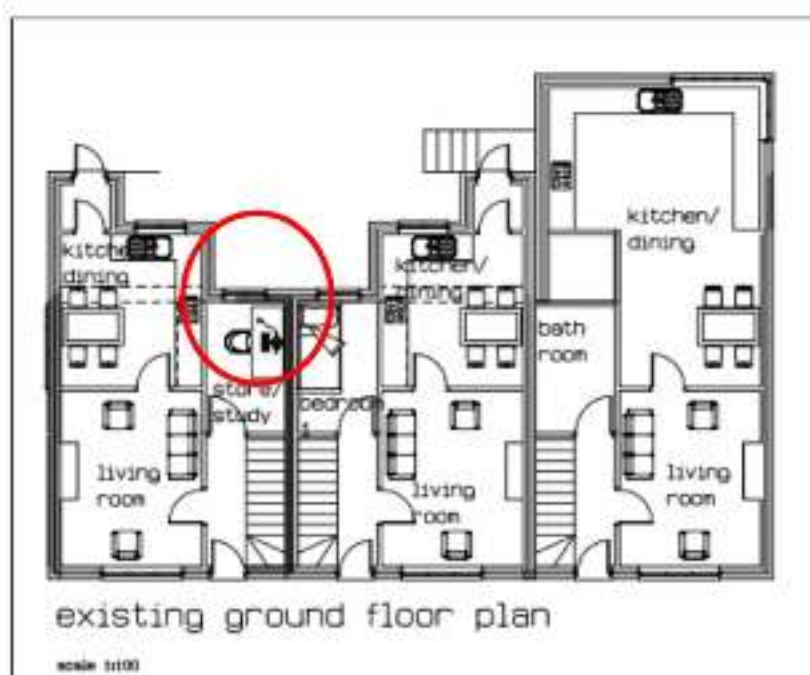


Image 3: Proposed plans

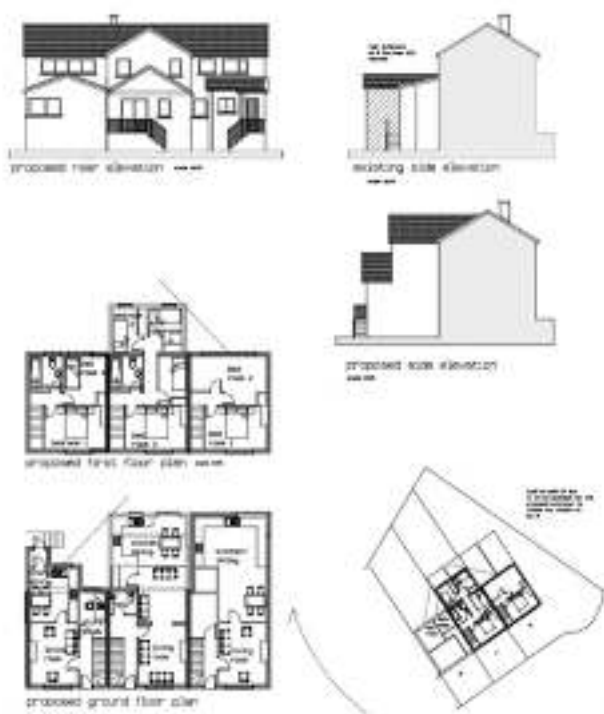


Image 4: Original Scheme (For Info.)



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

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

Proposed rear extension to No.7 Courtney Hill Newry. Ref: LA07/2022/0819/F

This is a planning application for a rear extension at 7 Courtney Hill Newry. The proposal is to provide additional living space and bedroom accommodation in a split-level arrangement to the rear of the dwelling. The first section of the rear extension to be two storey and the remaining section to be single storey. The applicants have a young family and are from the area and wish to remain in the locality to be close to support network of friends and family.

The application was determined under PPS Addendum residential extensions and alterations Policy EXT1.

The planning department are of the opinion that the proposal should be refused on three reasons:

- The proposal would affect the amenity of the neighbouring resident by loss of light, over shadowing and dominance
- The proposal would appear as an overly large addition which would not be sympathetic to the built form and appearance of the existing property and would distract from the established patten of development and the character of the area.
- The proposal would be unduly dominant when viewed from the garden areas of No.5 and NO9 Courtney Hill.

The area consists of two developments Courtney Hill and Hennessey Park when viewed from all critical viewpoints the two developments area viewed as one entity. Dwellings in the area can be accessed via Courtney Hill or Hennessey Park. The area consists of two storey terrace dwellings. A number of dwellings have extensions of varying size and orientation. There are single storey rear extensions, single storey side extension and rear two storey extensions.

The planning department are of the opinion that the proposed extension will result in loss of light, over shadowing and dominance. Under PPS 7 EXT1 annex A deals with overshadowing/loss of light it states *'In designing a new extension or alteration to a residential property care should be taken to safeguard access to sunlight and daylight currently enjoyed by adjoining residential properties'* and that *'Where an extension is poorly sited or badly designed it can cast a shadow that may reduce a neighbour's daylight and adversely affect their amenity to an unacceptable level'* In order to assess loss of light a 60 and 45 degree line should be shown on plans which will help in assessing loss of light. The policy goes further to state that this guidance *'is not however a rigid standard which must be met in every case. Rather it is an assessment tool which will be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of the overshadowing / loss of light impact upon neighbouring properties'*

The case officer is content that the extension will not result in any unacceptable impact on the amenity of No.5 and the first-floor amenity of No.9.

The case officers report raises concerns in relation to the loss of light to the ground floor rooms of No.9 in that the light assessment fails at these rooms, however the policy states that a new extension should not *'effect the sunlight and daylight currently enjoyed by the adjoining property'* and a poorly designed extension *'can cast a shadow that may reduce a neighbour's daylight and adversely affect their amenity to an unacceptable level'*

It would not be possible for the proposed extension to affect the sunlight and day light currently enjoyed by No.9 and it would not be possible for the extension to cast a shadow on to No.9 Courtney Hill. The path of the sun will not enable the extension to cause overshadowing or loss of light.

Given the path of the sun from east to west the rear return at No.9 is the only element of building that can create shadow onto the ground floor bedroom at No.9. No.9 Will create its own a shadow onto its own amenity.

The case officers report states that *'two-storey element appears to be dominant and overbearing on the application site especially when taken into context on the neighbouring properties'* Paragraph A31 of PPS7 deals with dominance and states that two storey extensions can be prominent and dominate outward views, however it goes further to state that it is

appropriate to take account of the prevailing local environment. As previously mentioned, the department are content with the effect on No.5 in terms of overshadowing and loss of light and as shown by the sun path image it is not possible for the proposal to create any overshadowing or loss of light on No.9. There are also other dwellings with two storey rear extensions within the area.

The planning department feel that the proposed extension is overly large and would distract from the established pattern of the development and the character of the area. The existing dwelling is a two-storey mid terrace building, the proposed extension is to create two bedrooms at first floor and extend a ground floor kitchen.

The extension at ground floor extends the same distance from the rear elevation as the extension to No.5 Courtney Hill and 3.2m at first floor level. The break in the rear extension reduces the impact of the extension on the existing property. The established character of the area is made up of extensions of varying sizes. No.9 Hennessy Park, which is 29m from the proposal site, has a two-storey extension which comes off the rear of the dwelling by 4.6m at both ground and first floor level. The extension at No.9 Hennessy Park is almost identical to the proposal. No.5 Hennessy Park, which is 20m from the proposal site, has a two-storey extension which comes off the rear of the dwelling by approximately 3.5m at both ground floor and first floor. No.5 Hennessy Park also has a second-floor dormer which extends the width of the property at roof level. The proposed extension would not detract from the established pattern of development and character of the area as there are similar extensions in the area.

As previously mentioned, the proposal at ground floor extends the same distance from the rear of the dwelling as the extension to No.5 Courtney Hill and the extension to No.9 Henssey Park, the extension at first floor to No.9 Hennessy Park has no Set back. The proposal to No.7 Courtney Hill has a step back at first floor level which will provide a break which reduces any dominance that may be viewed from neighbouring properties. The two rear two storey extension at No.5 and No.9 Hennessy Park clearly influence the character of the area.

We feel that the information presented would show that this proposal meets the criteria set out in PPS7 EXT 1 extensions and alterations



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

Application Reference:

LA07/2022/1557/F

Date Received:

26th September 2022

Proposal:

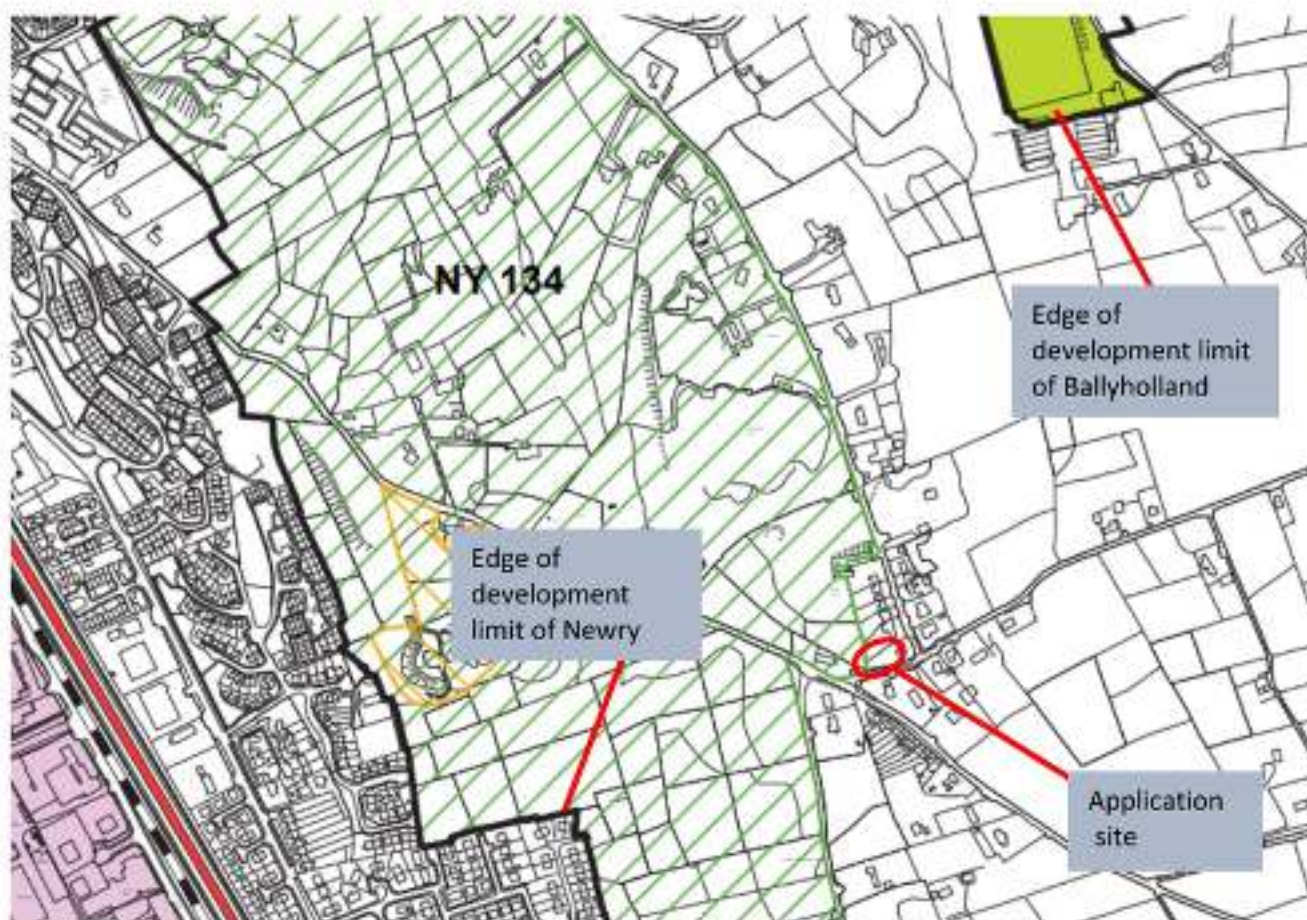
Proposed pair of semi detached dwellings

Location:

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

Site Characteristics & Area Characteristics:

The site is outside any development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015) (Approx 367m northeast from the settlement limit of Newry and approx. 610m southwest from the settlement limit of Ballyholland). The application site abuts a Local Landscape Policy Area (NY 134) to the west.



Extract from Map No.3/02a – Banbridge, Newry and Mourne Area Plan (2015)

The red line boundary comprises a piece of vacant land located on the edge of Commons School Road. The site is elevated above road level and is undefined along the roadside boundary. The north, east and western boundaries are bounded by development. The plot forms a narrow, rectangular shape.

Despite being in the open countryside, it was observed during a site visit this localised area has experienced development pressure with a range of detached and semi-detached dwellings of varying sizes in existence, which is apparent from the map above.



Application site



Aerial view of application site

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside
- DCAN 15: Parking Standards
- Building on Tradition

Site History:

- LA07/2018/0300/O - At Commons School Road Newry (opposite No. 1a and to the rear of 1 Bingian Terrace) - Site for dwelling – Approved, 24th April 2018. The principle of the development of 1 dwelling for this application was established under Policy CTY 2a.

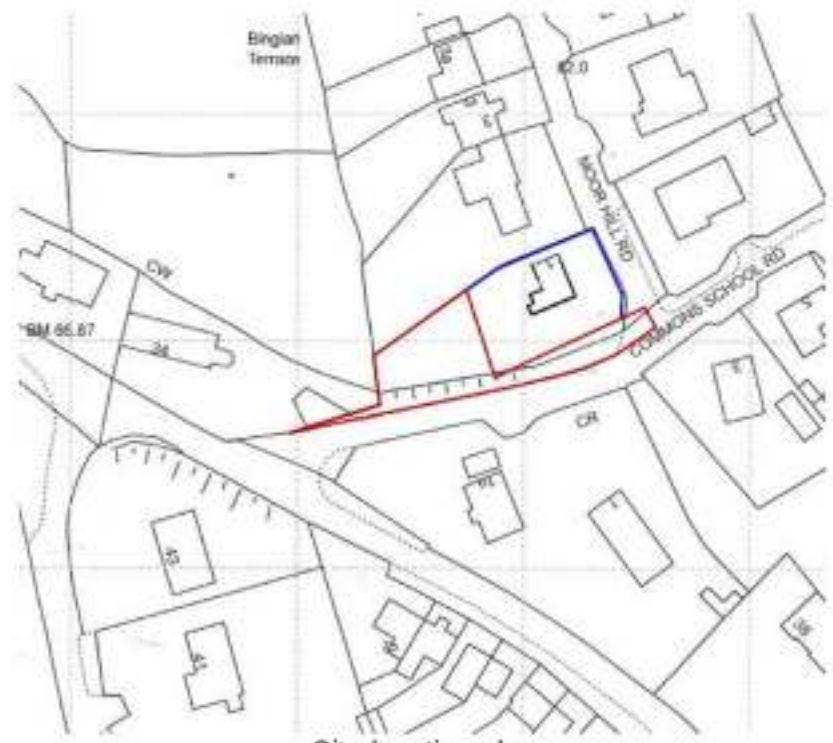


Approved site location

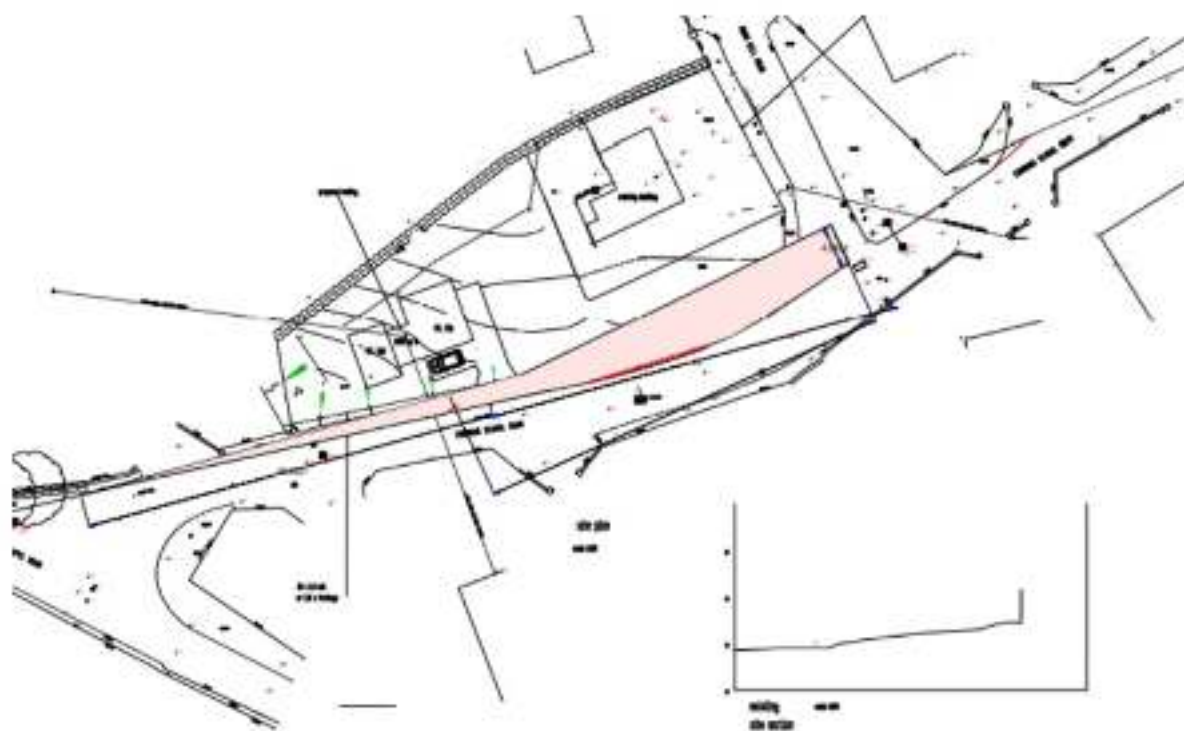


Approved indicative site plan

- LA07/2020/1335/O - Opposite No1A Commons School Road and to the rear of No.1 Bingian Terrace - Proposed dwelling – Approved, 21st December 2020.



Site location plan



Approved indicative site plan

Note: No Reserved Matters applications have been submitted in association with the above outline approvals. A RM submission can be made in association with LA07/2020/1335/O before 21st December 2023.

- LA07/2021/1279/O - Opposite No 1 Commons School Road and to the rear of No. 1 Bingian Terrace Newry BT34 2QH - Proposed dwelling – Refused, 25th January 2022
The red line boundary submitted for this application comprised half of the site that was granted approval above.



The application was refused under Policies CTY 1, CTY 2a (the development cannot be absorbed into the site without significantly altering the existing character of the cluster and the development would adversely impact on residential amenity) and CTY 14 (the proposal does not respect the traditional pattern of settlement exhibited in the area), and also due to the small plot size.

- LA07/2021/1924/F - Opposite No 1 Commons School Road and to the rear of No. 1 Bingian Terrace Newry - Proposed retention of existing retaining wall – Approved, 23rd March 2022

Consultations:

- DfI Roads – No objections subject to recommended conditions. A reconsultation was issued to DfI Roads due to an amended red line. A response was received....
- NI Water – Recommended refusal due to potential network capacity issues for public foul sewer connection. NI Water were reconsulted and advised that Q.17 of the P1 form and Design and Access statement advises that 1 dwelling is to be connected to mains and 1 dwelling connected to a septic tank. NI Water issued a final response advising that if consent to discharge from a septic tank is granted by NIEA then this would eliminate any objections from NI Water concerning foul discharge. However, in the event that consent to discharge is not obtained from NIEA, it may be necessary to revert to NI Water's requirements.

Objections & Representations:

Seven neighbouring addresses were notified 9th November 2022.

Two letters of objection were received from the occupiers of 2 Bingian Terrace and a dwelling located on Commons School Road. A petition of objection signed by 9 addresses was also received.

The main points within the letters have been summarised below:

- Road safety issues;
- Sewage system runs through application site. Works on the site may cause damage to the existing pipework;
- Impact privacy of neighbouring residents in terms of overlooking from elevated site;
- Prominence of buildings on site;
- Two storey building would be in contrast to existing adjacent bungalows;
- Buildings on site will damage rural character.

The application was advertised in the Newry Democrat and the Newry Reporter on 25th and 26th October 2022 respectively.

Amendments were received from the agent in February with the boundaries of the site accurately noted and the red line boundary amended to include all proposed parking spaces. Although the red line boundary was slightly increased to include all parking spaces, no changes were made to the original proposed site layout, siting of the

dwellings or proposed house types. Given this, it was not considered necessary to re-notify neighbours or re-advertise the application.

Assessment

Proposal

The proposal is full application for the erection of a pair of semi-detached dwellings. The two dwellings are to be served by two new accesses from Commons School Road with parking provided to the side of each dwelling. The dwellings are 1 ½ stories with ridge heights of 6.8m (House Type A) and 7m (House Type B) from FFL. The proposed finishes for both house types include black flat concrete roof tiles, smooth white rendered walls, dark grey PVC windows and black PVC RWGs. A new 1.8m high closed board timber fence is proposed along the rear boundary of the site. The proposed drawings are shown below.



Proposed plans



Proposed plans

Principle of Development

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside any settlement limits as designated on the above Plan. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

Policy CTY 1 sets out the range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

The Design and Access Statement submitted alongside the applications states "PPS 21 CTY2A is the policy under which this pair of semidetached dwelling is being applied for."

As such, the applicable policy is Policy CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters

This policy states Planning permission will be granted for **a dwelling** at an existing cluster of development provided six criteria is met.

There is no policy provision that allows for more than 1 dwelling (the proposal is for a pair of semi-detached dwellings) at an existing cluster and as such, the proposal is contrary to Policy CTY2a.

The Planning Department advised the Agent that whilst there have been approvals on the site under LA07/2018/0300/O and LA07/2020/1335/O, Policy CTY2A only allows for one dwelling at an existing cluster and does not allow for two dwellings. The previous extant permission for 1 dwelling on this site has in effect availed of the CTY2a opportunity, and as stated there is no policy support for 2.

The Planning Dept have previously accepted this site is located in a cluster, which appears as a visual entity, being associated with a focal point and is enclosed and bounded by existing development, whereby 1 dwelling can be absorbed into the site and cluster.

However this policy clearly sets out and envisages a proposal to round off and consolidate a cluster is solely for 1 dwelling, and makes no allowance for multiple units/more than 1 dwelling.

The site is located outside any defined settlement limits and it is not considered to meet any of the types of development which in principle are considered to be acceptable in the countryside under Policy CTY1 and as such will be recommended for refusal.

The Agent (Coles Partnership) was also advised that the proposal is also considered to constitute overdevelopment of a restricted site resulting in inadequate spacing between boundaries and possible impact on amenity of the neighbouring dwellings.

In response, the Agent submitted a rebuttal letter with the following points included:

- 33 dwellings in the area, of the 33 dwelling in the area 18 of them are semidetached (nine pairs of dwellings)
- 55% of the dwelling in the area are semidetached.
- The total plot size of the proposal is 579m² which is broken into 2 sites, one site is 217m² and the other is 362m².
- The size of sites within this area varies dramatically from 168m² at 11 St. Marys Villas to 1131m² at 26 Moor Hill Road.
- The proposed dwellings area at a lower level than the existing neighbouring properties.

The applicant contacted the Planning Department 6th June 2023 to advise that O'Callaghan Planning was now acting as a Planning Consultant on the application.

The applicant advised that the nominated agent (Coles Partnership) was not changing but that O'Callaghan Planning will work alongside the nominated agent.

No further information has been received to date (28.06.23).

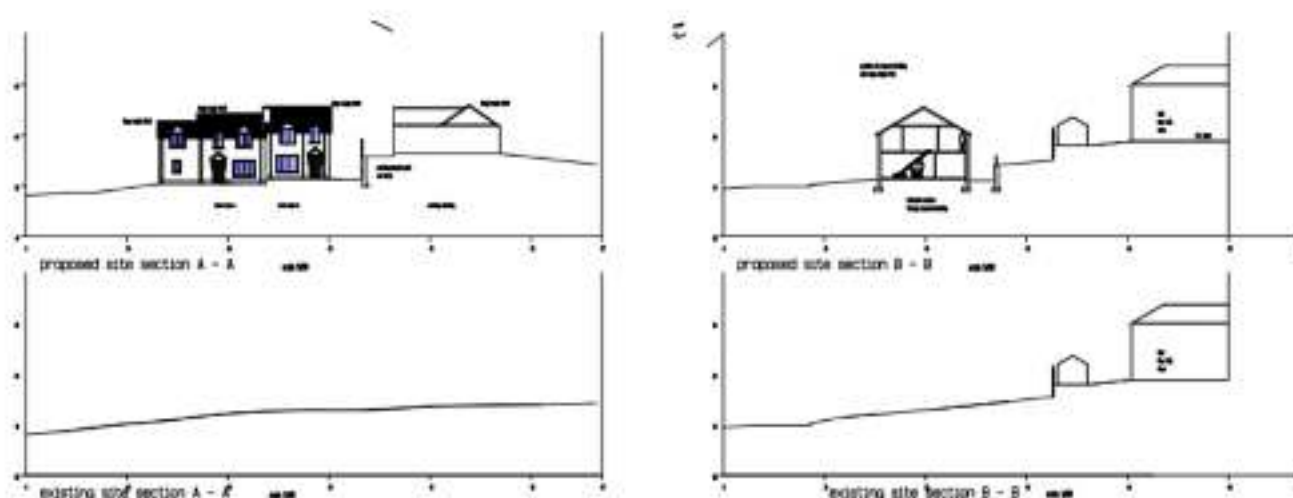
As mentioned above the proposal is for 2 dwellings and as such, there is no scope within CTY 2a for 2 dwellings within a cluster. The proposal fails to comply with Policy CTY 2a and Policy CTY1 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

The proposal is also subject to the integration policies of CTY 13 and 14 of PPS 21.

Policies CTY 13 and 14

Moreover, Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside.

As noted above, the application site is at a higher level than road level. The proposed sections show that the site is to be at a lower level than the adjacent dwellings Nos. 1 and 2 Bingian Terrace. To achieve this, cutting of the ground is required as shown in the sections below.



Existing and proposed sections

The sections provided by the agent shows that the ridge height of the properties is to be in line with the ridge of No. 1 Bingian Terrace. However, this is achieved through the cutting of the land. As demonstrated through the previous approvals on site, there is potential for a dwelling to achieve satisfactory integration and whilst I do acknowledge the presence of 1 ½ and 2 storey dwellings within the immediate area, the characteristics of the site must be taken into account whereby a dwelling on this site with a ridge height of 7m is considered unacceptable which is essentially demonstrated through the proposed cutting of approx. 1.5m -2.2m and the inclusion of a retaining wall. The surrounding 1 ½ and 2 storey dwellings are generally on

lower-lying sites. As such, I consider that the proposed dwellings will be a prominent feature in the landscape without the cutting of the land. Having regard to the extent of cut and retaining works proposed, it is clear that the proposal fails to blend with the landform and slopes whereby retaining walls are required to provide a level platform low enough to accommodate dwellings with the ridge heights proposed. The J&A of policy clearly states that a new building that relies on significant earthworks, such as mounding or cut and fill for integration will be unacceptable.

The northern boundary of the application site is defined by a retaining wall with a low wooden fence on top. The east and western boundaries of the application site are bounded by adjacent development. Given the presence of surrounding development, I am satisfied that the application site is sufficiently enclosed. The site lacks landscaping and proposed landscaping plans are limited on the site layout plan. However, this can be controlled by way of condition if approval was to be granted.

The ancillary works in terms of cutting of the land for integration is considered unacceptable. The Department notes that two accesses are proposed and although in theory it is desirable that 2 new accesses would not be created within the countryside, the sub-urban nature of the area is acknowledged whereby the proposed accesses are considered acceptable.

As stated the proposal comprises a pair of semi-detached dwellings. The character of the wider area is noted with semi-detached properties in existence along Moorhill Road to the north and St Marys Villas to the south.

Notwithstanding the principle that there is no policy support for 2 dwellings under policy CTY2a, new proposals for semi-detached dwellings in the countryside are very rarely acceptable.

While it is noted the properties which immediately adjoin the site along Commons School Rd comprise larger detached dwellings on larger sites, which have a different context, character and appearance to the development along the roads to the north and south, the character of units to both the north and south cannot be ignored, and on balance it is considered this issue alone regarding the principle of semi-detached units being out of keeping is difficult to sustain in this instance.

However the siting of 2 units on this restricted site, which is restricted in both width and depth is considered over-development and will adversely impact on the character of the area.

CTY 14 points out that a new building will be unacceptable in the countryside where it creates or adds to a ribbon of development. The proposed dwellings would create a ribbon of development along Common School Road alongside the adjacent existing dwellings. This is also contrary to CTY 8 of PPS 21.

Given the above, the proposed fails to comply with criteria (a), (d) and (f) of CTY 13 and (a), (d) and (e) of CTY 14.

Impact on Amenity

The nearest neighbouring dwellings are Nos. 1 and 2 Bingian Terrace to the east and north respectively and No. 34 Chapel Road to the south.

As outlined above, the cutting works result in the proposed dwellings being at a lower level than Nos. 1 and 2 Bingian Terrace. Given this, the windows on the rear elevation facing towards the rear garden of No.2 Bingian Terrace would not result in any unacceptable overlooking of the adjacent property due to the staggered ground levels, boundary treatment and the fact the adjacent properties are at a higher level. The upper floor side windows on the proposed dwellings serve a landing and bathroom.

The separation distances between House Type 1 and House Type 2 and the rear boundary is approx. 6.4m and 7.8m respectively. The distance between the gable wall of House Type 2 and the rear boundary of No. 1 Bingian Terrace is approx. 3.1m. Given the spacing above and general circulation spacing for 2 separate units with proximity to boundaries and adjoining properties, it is considered that the proposal will result in overdevelopment of a restrictive site, adversely impacting on the adjacent properties residential amenity (in particular No. 1 Bingian Terrace) due to the lack of separation and spacing, with poor relationship resulting.

In terms of the other adjacent dwellings namely 34 Chapel Road and 1 and 1A Commons School Road, it is considered that sufficient separation distance has been provided to alleviate any concerns regarding unacceptable overlooking, loss of light and overshadowing.

Access and Transportation

As outlined above, a number of representations were received outlining concerns regarding increased traffic and road safety issues. DfI Roads were consulted on this application and offered no objections subject to conditions.

CTY 16: Development Relying on Non-Mains Sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

NI Water initially recommended refusal due to potential network capacity issues for public foul sewer connection.

The P1 form outlines that a septic tank is to serve one dwelling and the other dwelling is to be connected to the mains. NI Water were reconsulted with this information and issued a final response advising that if consent to discharge from a septic tank is granted by NIEA then this would eliminate any objections from NI Water concerning foul discharge. However, in the event that consent to discharge is not obtained from NIEA, it may be necessary to revert to NI Water's requirements.

Given this, a condition should be attached if approval was granted to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site.

Summary

The application is considered unacceptable for the reasons stated, whereby there is NO policy to support the principle of 2 dwellings under policy CTY2a, notwithstanding the restricted size of the site.

Accordingly Refusal is recommended.

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.
 - the proposal is not sited appropriately to integrate within the surrounding landscape given the restricted nature of the site.
 - the proposal will impact upon residential amenity of neighbouring properties.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the policy does not allow for more than one dwelling at an existing cluster.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, create a ribbon of development along Commons School Road.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and criteria (a), (d) and (f) of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted:
 - result in a prominent feature in the landscape
 - result in ancillary works that do not integrate with their surroundings
 - create ribbon of development along Commons School Road.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and criteria (a), (d) and (e) of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted:
 - result in a prominent feature in the landscape
 - create ribbon of development along Commons School Road.
 - result in ancillary works that impact the character of the area.

Informatives:

1. This refusal notice relates to the following plans: 3241 PL SP REV B and 3241 PL FP.

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|---|
| Case Officer Signature: Eadaoin Farrell Date: 29.06.23 |
| Appointed Officer Signature: M Keane Date: 29-06-23 |

LA07/2022/1557/F - Proposed pair of semi-detached dwellings opposite No. 1 Commons School Road and to the rear of No.1 Bingian Terrace Newry (Kevin McGovern)

This is essentially an application for a dwelling in a gap in a line of three dwellings albeit it was applied for and assessed as a pair of dwellings in a cluster (which planning policy does not expressly deal with).

One dwelling has already been granted on the site. The cluster is typified by semi-detached dwellings, and the applicant is of the view that a pair of semi-detached houses would be more in keeping with the pattern of development than a single house, given this context.

There is a wider planning principle that can be applied to situations like this: rounding off. That is, rounding off in the wider sense, not strictly the type of "rounding off" that is provided for in Policy CTY 2a of PPS 21 - see for example 2017/A0147 (where the PAC accepted the proposal failed to meet Policy, and confirmed the principle of "rounding off" is a general principle that is not laid out in any planning policy) or 2021/A0068.

Departing from planning policy is a common occurrence. Nothing in law prevents a decision-maker from arriving at a common-sense decision, even if it is contrary to planning policy, on the basis that the development appears a "good fit" for the area. The Courts' attitude is that they will not intervene, and the judiciary does not concern itself with the quality of the decision – just the process that is employed.

As a matter of fact, officers already departed from policy when they granted a house on the site. They, correctly, decided the application in the round, on balance, and did not concern themselves that CTY 2a was not met in full when they granted the existing permission. They, correctly, decided that approval was consistent with the thrust of PPS 21, which is to consolidate development at existing clusters.

We feel that approval can be justified, in order to round off the wider development

If officers felt particularly hung-up on Policy, another simple rationale exists. This argument had not been advanced until just before the refusal recommendation, hence it appears not to have been delved into in the case officer report – the proposal could be judged as an infill site. Infill sites must occupy a gap in a line of three buildings. There is a line of three buildings in this case:

34 Chapel Road, which is accessed from and abuts Commons School Road;

1 Bingian Terrace, which is beside the site; and

A red-brick dwelling to the north east, but which is separated from 1 Bingian Terrace by Moor Hill Road.

Officers feel 1 Bingian Terrace does not front onto Commons School Road, because of a wall and a ranch fence. The area of land between 1 Bingian Terrace and Commons School Road, however, is part of the curtilage to No. 1. The word curtilage is defined as an area of land around a house, or an area lying next to a house. The "side garden" gradually became so overgrown and unkempt that officers feel it now represents a separate planning unit of its own. However, it does not. It has never been used for agriculture. It was previously used for hanging clothes and the like, until it grew so wild. No. 1 Bingian Terrace therefore forms part of the fabric of Commons School Road as much as it does Commons School Road.

Officers feel the red brick house doesn't form part of the same frontage as the aforementioned buildings. They feel there is a split in the frontage, caused by Moor Hill Road. However, visually, there is little impression of a split or a break in the frontage, when travelling in either direction.

LA07/2022/1557/F - Proposed pair of semi-detached dwellings opposite No. 1 Commons School Road and to the rear of No.1 Bignian Terrace Newry (Kevin McGovern)

Similar approvals were granted at Sandy Brae, Attical (LA07/2022/0243/F); Slievenaman Road, Kilcoo (LA07/2020/0450/O) and Drummill Road, Silverbridge (LA07/2020/1103/O) – see accompanying slides.

Given that officers were content to depart from Policy CTY 2a, the Council should have no qualms about departure from CTY 8 – if a little pragmatism has to be shown (either in accepting that a wall within the lawful curtilage of 1 Bignian Terrace does not delineate the outer limit of that planning unit; or in accepting that visually there is little impression of a split in the built up frontage due to the fact the dwellings either side of the Moor Hill Road are so close together).

If it is ultimately decided that this would represent a departure from Policy, then material considerations can outweigh any failing.

There is no legal definition for material considerations; however they are held to include all the fundamental factors involved in land-use planning. Material considerations will vary depending on the specific circumstances of each case. In this case it is relevant that this cluster, which has previously been recognised by the planning department, is predominately made up of semi-detached dwellings. Approving a pair of semi-detached dwellings, even if not complying with the strictest interpretation of policy, is consistent with the thrust of Policy, and better respects the pattern of development than a single house would.

CTY 1 is overcome through the principle of “rounding off” (not the type of rounding off specifically catered for in CTY 2a, but “rounding off” in general, which is not actually laid out in any planning policy; and by the proposal’s compliance with the spirit of Policies CTY 2a and 8 of PPS 21.

Officers feel CTY 2a only provides for “a dwelling” (not two) but do not pay sufficient regard to the fact there is an extant permission on the site, nor have they considered the implications for the applicant if / when the extant permission is enacted.

Officers suggest the proposal does not integrate into the surrounding landscape but do not attach sufficient weight to the fact there is an extant permission on the site, nor to the fact that the proposal will not be any higher than the adjacent house’s ridge level. The conflict with CTY 13 is simply not as dramatic nor indeed actual as has been laid out in the professional planning report.

Officers suggest the proposal will result in amenity issues, however the development has actually been designed to avoid overlooking and there is potential for further adjustment, addressing this part of CTY 1.

Officers are concerned the proposal will exacerbate ribboning, however this is not critical as the concept of infilling a gap / rounding off inevitably involves extending a ribbon of development. Concerns regarding CTY 8 and 14 need therefore to be treated with a pinch of salt especially in light of the committed approval on the site.

We thank you for your time and consideration and welcome any questions. In the event Councillors wish to see the site for themselves we trust you will see that the site still forms part of the curtilage of 1 Bignian Terrace, and it comprises a gap between what looks like a line of three dwellings sharing the same frontage. You will also see that a pair of semi-detached dwellings would bring better order and consistency to the space between St. Mary’s Villas and Bignian Terrace.

Committee Application

| Development Management Officer Report | |
|--|--|
| Case Officer: Clare McCoy | |
| Application ID: LA07/2022/0612/F | Target Date: 26/07/2022 |
| Proposal: Proposed demolition of existing dwelling and replacement with new dwelling | Location: 28 Warrenpoint Road Rostrevor |
| Applicant Name and Address: Mr M and Mrs T Hughes 42 Warrenpoint Road Rostrevor | Agent Name and Address: 12A Duke Street Warrenpoint BT34 3JY |
| Date of last Neighbour Notification: | 27 May 2022 |
| Date of Press Advertisement: | 25 April 2022 |
| ES Requested: No | |
| Consultations: <ul style="list-style-type: none"> • SES - advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. • HED - Content • DFI Roads – standard response re. replacement dwellings, proposal meets exception to protected routes as it is a replacement dwelling and no intensification as a result of proposal. • NI Water – Approved standard response • NIEA - Refusal • DFI Rivers – Content | |
| Representations: Six neighbour notifications were issued on 13 May 2022. | |
| Letters of Support | None |
| Letters of Objection | One |
| Petitions | None |
| Signatures | None |
| Number of Petitions of Objection and signatures | None |
| Summary of Issues: One representation was received on 24 May 2022 outlining the following concerns: | |

- Loss of light to third party first floor apartment at Rosses Quay as a result of proposed development

The proposal is separated from the apartments to the east by an adequate separation distance which will minimise any potential impact on the loss of light to the neighbouring apartment complex.

- Proposal will block view of Carlingford Lough and Mountains which will affect third party's mental well-being.

As above the proposal is separated by an adequate separation distance which will minimise any potential impact on the loss of light to the neighbouring properties. Loss of a view to the Carlingford Lough/ Mountains is not within the remit of planning policy/ legislation.

- Proposal is five to six times the size of the existing building and is out of character of local area.

The proposal does have a sizeable rear return however given the size of the generous plot and comparable layouts of the single dwellings to the west the size of the proposal is not out of context.

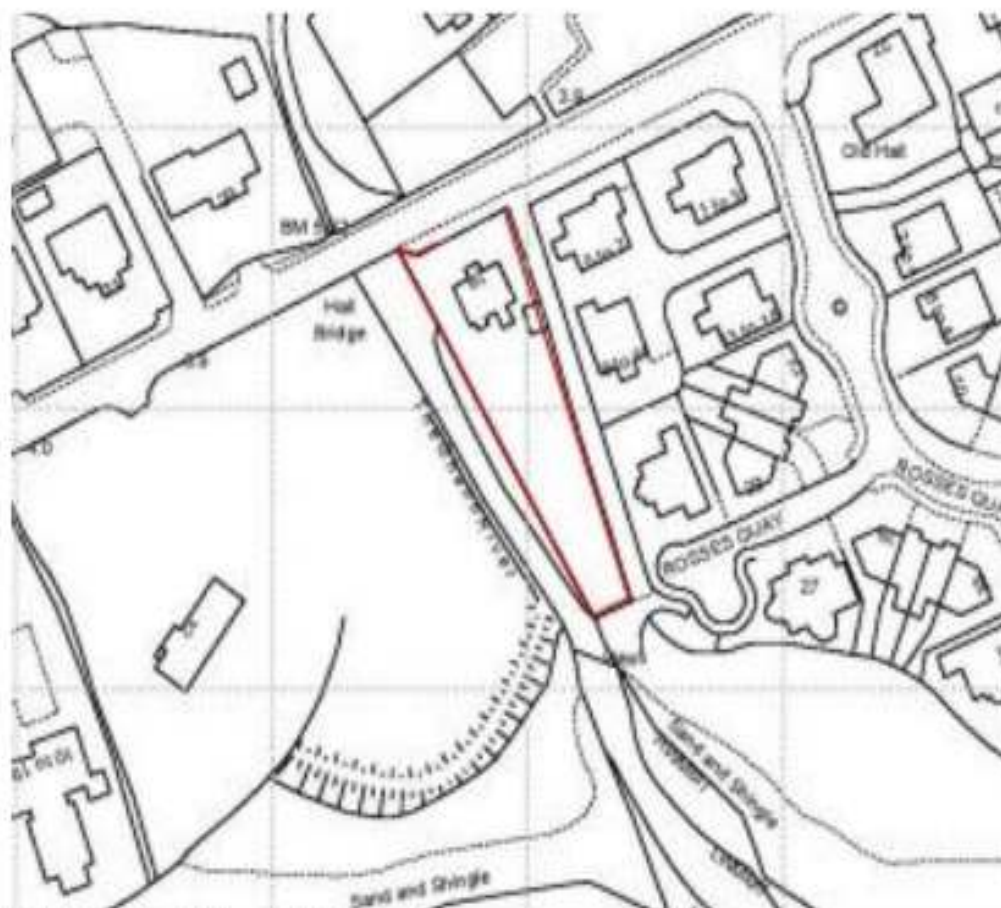
- Concerns regarding waste disposal and potential effects on Carlingford Lough. *SES have been consulted and are content subject to conditions.*

- Concerns about effect of watercourse to west of the application site.

Rivers have been consulted and are content with the flood risk assessment submitted and there are no issues raised.

Site Visit Report

Site Location Plan:



Date of Site Visit: 3 May 2022

Characteristics of the Site and Area

The application site is located at 28 Warrenpoint Road, Rostrevor. The site is to the south side of Warrenpoint Road and sits adjacent to a Public Right of Way beside Rosses Quay apartment complex and The Ghann River to the west. The site is long and narrow and stretches to the beach on the shores of Carlingford Lough. The site has a gentle fall to the south from the road level towards the beach. There is an existing two storey dwelling on site which could be made habitable through minor renovation works. The garden area is largely overgrown to the front and rear. Access is via a gate on the north eastern corner of the site. The site is enclosed to the west by a wall over 1m high and to the east by a timber fence with native species hedge towards the rear. To the immediate NW is Hall bridge which is listed under ref:

There are a mix of house types in the surrounding context with the two storey apartments to the east and the two storey semi-detached dwellings to the north. To the west residential dwellings tend to be large detached two storey properties set within generous plots. There is also a mix of uses in the area including mainly residential and

a petrol filling station to the west and shops, cafes and pubs further east within the village.



Description of Proposal: Proposed two storey dwelling

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- Planning Policy Statement 3 – Access, Movement and parking;
- DCAN 15 – Vehicular Access Standards;
- Planning Policy Statement 2 – Natural Heritage;
- PPS 6 Planning, Archaeology and Built Heritage;
- PPS 7 Quality Residential Environments;
- Planning Policy Statement 12 - Housing in Settlement
- Creating Places - Achieving Quality in Residential Developments.

Planning History: No recent planning history

Consideration and Assessment:

Proposal and Background to Application:

The application is for a replacement dwelling within the settlement limit of Rostrevor. The proposed dwelling is on the same footprint with an extended rear return and side extension to the east towards the Public Right of Way. The footprint does not extend any further than the existing dwelling to the western side elevation.

During the processing of the application the following further information was requested:

- Biodiversity checklist and Bat re-emergence survey
- Outline Construction Management Plan
- Flood Risk Assessment
- Amended plans to include:
 - the dwelling does not extend any further to west on the side elevation and the finishes are amended to include Bangor Blue Slates,
 - Aluminium windows to the front and Upvc wrapped (grey) to the rear
 - 1m high wall at the front with planting to the rear
 - Hedging and native species trees to the western boundary and hedging to the rear boundary

This report is on the basis of the following drawings:

- 3256 PL SP RevC,
- 3256 PL EX SP,
- 3256 PL FP RevB,
- 3256 PL Coastal Flood,
- 3256 PL Flood,
- 3256 PL Existing Survey.

Banbridge, Newry and Mourne Area Plan 2015

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

The site is located within the development limit of Rostrevor and it is within the Mourne AONB. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained policies of PPS 2, PPS 7, PPS 12 and PPS 3.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for dwellings in settlement limits following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS 2, PPS 3, PPS 6, PPS 7 and PPS 12 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 7 Quality Residential Environments Policy QD1

Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria:

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

The proposal is located in the settlement limit of Rostrevor, it is adjacent to an apartment complex to the east, semi-detached dwellings opposite to the north and

large detached dwellings on generous plots to the west. There are varying housetypes in the surrounding context as outlined. The site is long and narrow and bounded to the west by Ghann River and a Public Right of Way to the east. There is an existing 1½ storey dwelling on the site. The agent provided existing and proposed site plans which show the difference in footprints. This is an on-site replacement, however it is acknowledged the footprint of that proposed does extend further back towards the shore than that existing. The footprint of the dwelling proposed comes no closer than the existing dwelling to the west beside the Ghann River. This is acceptable. The footprint of the proposed dwelling is similar to dwellings in the surrounding area. The proposed plans indicate a large rear return however given the context and long site it is felt the site can absorb the new development comfortably. The proposed layout as amended shows good boundary treatments along the west and rear – hedging and native species trees and a wall to the east (half way) and hedging for the remainder. A 1m wall is to the front with landscaping behind. This is acceptable. Garden areas are shown to the rear with a patio included, this is acceptable. Having account the character of the area, including existing built form, and house types, sizes and designs, and also that existing on site, it is considered the size, design and appearance of the dwelling proposed can be accommodated on this site without resulting in any adverse impact on the character of the area. Overall, it is considered Criteria A is met.

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 key listed features near the application site include Old Hall 16 Warrenpoint Road (HB16/06/055 A, Grade B1), Trevor Lodge 12 Warrenpoint Road (HB16/06/055 B, Grade B1) and the Ross Monument adjacent to 51 Warrenpoint Road (HB16/06/056, Grade A). HED were consulted on the application and concluded the proposal is sufficiently removed from the listed buildings that their settings will remain unaffected by the siting and scale of the proposed development. Criteria B is met.

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

Given the nature of the development public open space is not a requirement. There is adequate space within the application site to accommodate the private open space provision as per Creating Places para 5.19. Criteria C is met.

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

The provision of local neighbourhood facilities is not applicable to this application given the scale of development.

e) movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way,

provides adequate and convenient access to public transport and incorporates traffic calming measures;

Given the scale of the development, a movement pattern is not required.

f) adequate and appropriate provision is made for parking

The application site is large enough to provide off-street parking, which is adequate. DFI Roads have no objection. It is noted this is an application for a replacement dwelling using an existing access, with in-curtilage parking provision. Criteria F is met.

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

The proposed design is appropriate for the existing context. There are a variety of large detached two storey dwellings in Rostrevor and particularly to the west of the application site. The proposal is for a replacement dwelling measuring 12.4m wide, 19m long (although this is stepped in at the rear by 3m where the dining room is located and 2m where the lounge is located. The ridge height is 8m. Overall the footprint, layout, siting and design are acceptable. Finishes include bangor blue slate roof, rendered finish with granite quoins and sills, aluminium rainwater goods, aluminium / grey wood grained wrapped Upvc windows and timber doors. I consider finishes are appropriate to the content.

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

The proposed dwelling will not create conflict with adjacent land uses. The dwelling is sited 4.7m from the western boundary with Ghann River and approx. 2m to 1m (at its narrowest point) from the eastern boundary with the public right of way (PROW). The width of the PROW is 3.5m and is bounded by fencing approx. 2m high (as shown below).



The existing apartments are sited 1.8m from the PROW. Overall, the apartments are sited approx 6.3m to the eastern side elevation of the proposed replacement dwelling. With regards to the layout of the dwelling, to the east side there are two first floor bathroom windows, which can be conditioned to be obscured glazing and there are two ground floor windows which are also bathrooms and can be conditioned to be obscured glazing. Therefore, it is considered no overlooking will result from any windows and the proposed wall and hedging on the eastern boundary will aid screening also.

Carlingford Lough is sited to the rear thus no impact on loss of amenity to any properties at the rear.

To the west side the nearest property is No. 32 Warrenpoint Road located 67m from the proposed replacement dwelling, the proposed windows mainly face the west however, given the more than adequate separation distance together with boundary hedgerows it is considered this is sufficient to prevent any unacceptable impact on the amenity of this property. There is adequate separation distance (>40m) to the properties at St. Colman's Gardens opposite / across the road.

These separation distances to the adjoining properties together with the intervening lands and boundary screening is also considered sufficient to prevent any unacceptable loss of light, overshadowing, dominant or overbearing impact from the dwelling proposed.

In summary I am content that the proposal is unlikely to cause an unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance, as a result of the layout, orientation, separation distance and spacing. Criteria H is met.

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

I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as existing dwellings in the area. Criteria I is met.

Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments

In addition to the nine criteria of Policy QD 1 in PPS 7 new dwellings in urban areas must conform to, Policy LC 1. The policy states in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing where all the criteria set out in PPS 7 QD1 are met including the three additional criteria in Policy LC 1:

- a) The proposal is for one dwelling on the application site, the plot size is in keeping with the established residential area. The proposal meets criteria A.
- b) The proposal follows the pattern of development and is in keeping with the overall character and environmental quality of the established residential area as outlined.
- c) The proposed dwelling meets the space standards set out in Annex A of PPS 7 addendum.

PPS12: Housing in Settlements

Under PPS12 Planning Control Principle 2, all new houses should demonstrate a high quality of design, layout and landscaping. It is considered the proposal accords with this policy and the finishes represent a betterment than the existing dwelling to be replaced.

PPS3: Access, Movement and Parking

The proposal does not include any change in layout in terms of existing access and parking, the proposal is a replacement dwelling and meets the exceptions set out in the policy AMP 3. DfI Roads were consulted and have no objections to the proposal. Overall the proposal is acceptable from a roads perspective.

PPS 2 – Natural Heritage

Policy NH1 states planning will be granted for a development proposal that individually or in combination with existing and /or proposed plans which are not likely to have significant effect on SPA's or SACs or Ramsar sites. The proposed development sits adjacent to Carlingford Lough SPA and Ramsar. Carlingford Lough is also an ASSI thus engaging policy NH 3 which states planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an Area of Special Scientific Interest. NIEA have indicated in their consultation responses the proposed development is contrary to PPS 2 Policies NH 1 and NH 3 as the proposal would, if permitted, have the potential to have an unacceptable adverse impact on the conservation objectives of the designated sites

The Planning Authority have considered the comments from NIEA on this application and whilst their concerns are recognised, on balance as the decision maker the following various have been taken into account:

- The proposal is for a replacement dwelling inside the development limit and is an on-site in-situ replacement with the existing access to be retained. Therefore, no intensification of the use of the site or access.
- The existing dwelling could be inhabited through minor works
- The proposed replacement dwelling is not sited any closer to the western side elevation (where the site abuts the Ghann River) than the existing dwelling.
- DFI Rivers were consulted and accept the logic of the FRA and are content overall.
- SES were consulted after NIEA's response and are content subject to conditions.

Taking the above points into consideration the Planning Authority taking a balanced judgement are of the opinion that the proposal is at no greater risk than the existing dwelling as there is no intensification and the existing dwelling could be through minor works be inhabited.

NH 2 states planning permission will only be granted for a development proposal that is not likely to harm a European protected species. The Biodiversity Checklist (BDC) stated further survey work was required, subsequently this was carried out within the season and submitted. NED were re-consulted and concluded the proposed development is unlikely to significantly impact protected or priority species or habitats. NED notes that the Bat Survey has indicated that no bats were recorded emerging or re-entering the building, therefore NED is content that the building is unlikely to currently support roosting bats.

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the proposed development is unlikely to have an adverse impact on the AONB.

Natural Habitats Regs. (NI) 1995

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 23/06/2023. This found that the project would not have an adverse effect on the integrity of any European site.

Having considered the nature, scale, timing, duration and location of the project the appropriate assessment has concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

PPS15: Planning and Flood Risk

The subject site abuts the Ghann River to the west. DfI Rivers were consulted and are content that the proposal complies with Policies FLD 1-5. A condition will be attached for the requirement of an adjacent working strip along the Rostrevor River to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. This is in accordance with Policy FLD 2.

Neighbour Notification Checked

Yes

Summary of Recommendation: Approval

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:

- 3256 PL SP RevC,
- 3256 PL EX SP,
- 3256 PL FP RevB,
- 3256 PL Coastal Flood,
- 3256 PL Flood,
- 3256 PL Existing Survey.

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

The proposed bathroom/ensuite first floor windows on the eastern side elevation shown on drawing 3256 PL FP RevB shall be fitted with obscured glazing prior to the occupation of the dwelling hereby approved, which shall be permanently retained thereafter.

Reason: To ensure residents privacy is not adversely affected.

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

The works shall be carried out during the first available planting season following the occupation of any part of the dwelling hereby approved.

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

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

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

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

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

A 5m maintenance strip shall be retained along the western boundary of the site and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development.

Reason: To provide clear access and egress at all times to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners.

Prior to and for the duration of all construction works a sedimentation barrier shall be installed and maintained along the western red line boundary.

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

A clearly defined buffer of at least 10m shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and any floodplain and the Ghann River bordering the western edge of the red line boundary.

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

Informatives

According to NIEA Marine and Fisheries Division, the adjacent coastline is moderately eroding and they have expressed concern regarding likely future protection requirements. The applicant is advised that any proposed sea defences would be subject to the planning and/or Marine Licencing regimes including Habitats Regulations Assessment.

Case Officer Signature: Clare McCoy

Date: 7 August 2023

Appointed Officer Signature: M Keane

Date: 08-08-23

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



Marine Conservation and Reporting
Branch
Marine and Fisheries Division

16th August 2023

RE: LA07/2022/0612/F

Our main concerns surrounding this proposal, and the reason that we have **recommended refusal**, is due to the potential impacts of climate change, coastal flooding and coastal erosion on this proposed development.

Considerations

As highlighted in our responses for this planning application (dated 13/10/22, 10/01/23, 05/04/23 and 25/5/23), this proposed development appears to be contrary to a number of planning policy documents and guidance. In addition to terrestrial planning policy, planning decisions that affect or might affect the whole or any part of the marine environment, must be made in accordance with marine policy, most notably the UK Marine Policy Statement and the Northern Ireland Marine Plan (draft). Although, the Marine Plan is still in draft format, it becomes a consideration in all relevant planning decisions once it is published for consultation – this took place in April 2018. All Public Authorities are responsible for the implementation of the Plan through existing regulatory and decision-making processes. The applicable policies, regulations and plans which must be considered in the decision-making process are detailed under each of the relevant sections below.

Climate change

The impacts of climate change, most notably increased sea level rise causing flooding, coastal erosion, and increased storm events, have each the potential to impact this section of coastline. Climate change is an issue we are required to consider and assess in our decisions, particularly at the coast.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Under climate change scenarios we note that the coastline of Northern Ireland will be impacted by increased storminess, which is likely to accelerate the rates of erosion, increasing coastal vulnerability. For the site of the proposed development, given its proximity to the river's edge, we would note that this site may become increasingly vulnerable to the impacts of climate change. For example, the development site, particularly because of the river, may become increasingly vulnerable to coastal inundation and flooding.

From the information submitted, there does not appear to have been mitigation proposed to future proof the site from the impacts of climate change, sea level rise and coastal erosion.

It should be noted that the recently published 'Adapting to climate change - Progress in Northern Ireland - April 2023' - Climate Change Committee (CCC) Report notes that planning for climate change in Northern Ireland remains at an early stage. The CCC highlighted in this report that progress regarding policy and planning has been limited and that further work is needed in these areas to ensure Northern Ireland is prepared for the effects of a changing climate. This report aims to assess progress to date and highlight areas for improvement ahead of development of the next Climate Change Adaptation Programme for Northern Ireland (NICCAP3).

Legislation and policies relevant to Climate Change:

- Marine UK Policy Statement Section 2.6.7.4
- Marine UK Policy Statement Section 2.6.8.4
- Marine UK Policy Statement Section 2.6.8.5
- Marine UK Policy Statement Section 2.6.8.6
- Strategic Planning Policy Statement 2015 - Section 3.13
- Strategic Planning Policy Statement 2015 – Section 6.33
- Draft Marine Plan for Northern Ireland - Core Policy: Climate Change
- Draft Marine Plan for Northern Ireland - Core Policy: Coastal Processes
- Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026 – Priority 2: Environment

Further information on the applicable legislation is available in Appendix 1.

Coastal flooding

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[DFI Flood mapping](#) shows that the application site is **significantly within** the present day and predicted climate change sea floodplain boundaries. Furthermore, the proposed redevelopment is located on a section of low-lying coast directly adjacent to a river. Given the impacts of climate change we are currently seeing, together with sea level rise scenarios, we note that this site may be vulnerable to future flooding events and increased storm waves.

The recently published evidence report for Climate Change Risk Assessment 3 (CCRA3) provides a series of projections of sea level rise for Belfast. The projections detailed in this report show that sea level is expected to rise between 0.14 – 0.16m by 2050 and 0.27 – 0.58m by 2080. Although this application is outside of Belfast, the results can be used to consider sea level rise in other areas of Northern Ireland. Alternatively, the Intergovernmental Panel on Climate Change report '*Climate Change 2021: The Physical Science Basis*' states that global sea levels are projected to increase by 0.28-0.55m by 2100 under SSP1-1.9 (the lowest Green House Gas emissions scenario) or by as much as 0.63 – 1.01m by 2100 under SSP5-8.5 (the highest Green House Gas emissions scenario). These figures are not exact and as such sea level rise may be greater or smaller than that projected.

Along with this, at a recent Coastal Forum Working Group meeting Professor Jackson of Ulster University noted that previously Northern Ireland had experienced a post-glacial rebound which was causing the land to uplift negating the impacts of sea level rise. However, it has now been noted that this process has stopped occurring therefore, we will now begin to see the impacts of sea level rise more readily in the future. Consequently, impacts of flooding could become much more apparent as we move forward.

Legislation and policies relevant to Coastal Flooding:

- Marine UK Policy Statement Section 2.6.7.4
- Marine UK Policy Statement Section 2.6.8.4
- Marine UK Policy Statement Section 2.6.8.5
- Marine UK Policy Statement Section 2.6.8.6
- Strategic Planning Policy Statement 2015 - Section 3.13
- Strategic Planning Policy Statement 2015 - Section 6.33
- Draft Marine Plan for Northern Ireland - Core Policy: Climate Change
- Draft Marine Plan for Northern Ireland - Core Policy: Coastal Processes

Further information on the applicable legislation is available in Appendix 1.

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Coastal Erosion

The coastline of Rostrevor has been identified as having a **moderate risk of coastal erosion** as per the [DAERA Marine Map Viewer](#).

The proposed development is located approximately 3m away from a river. Given the proximity of this section of river to the open coastline, it is likely that it is impacted by tidal conditions. While the agent in previous correspondence has claimed that this development is located 45m from the coastal erosion line, as shown on the marine map viewer, we note that the development would in fact be much closer to the coast. The hydrological connection of this site, via the river, would mean that this proposed development is in fact only 3m from an area considered to be vulnerable to the impacts of erosion.

As stated in our responses to this planning application, due to the impacts of climate change and sea level rise, the banks of this river may be subject to the impacts of erosion, specifically during extreme storm events when seawater from storm surges will impact upon this tidal section of the river. Therefore, this proposed development may be at greater risk from the impacts of erosion than initially anticipated.

Legislation and policies relevant to Coastal Erosion:

- Marine UK Policy Statement Section 2.6.7.4
- Marine UK Policy Statement Section 2.6.8.4
- Marine UK Policy Statement Section 2.6.8.5
- Marine UK Policy Statement Section 2.6.8.6
- Strategic Planning Policy Statement 2015 - Section 3.13
- Strategic Planning Policy Statement 2015 - Section 6.33
- Draft Marine Plan for Northern Ireland - Core Policy: Climate Change
- Draft Marine Plan for Northern Ireland - Core Policy: Coastal Processes
- Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026 – Priority 2: Environment

Further information on the applicable legislation is available in Appendix 1.

The Precautionary Principle

The impact of climate change, sea level rise and increased storminess is largely unknown, however, it is now widely accepted that climate change is happening and at a considerably faster rate than previously ***Sustainability at the heart of a living, working, active landscape valued by everyone.***

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advised. Storms are increasing in frequency and intensity and sea level is rising. Therefore, in the absence of reliable, scientific information on coastal change, it is recommended that we should defer to the Precautionary Principle, particularly in areas known to be experiencing coastal flooding and/or erosion.

As indicated throughout this document we have highlighted that this development is potentially at risk of both coastal flooding and erosion now and in the future. The property is clearly located within both the present day and predicted climate change sea floodplain boundaries consequently, showing that it may be at risk of flooding. Along with this, rationale has been set out that details this property may be vulnerable to the impacts of erosion due to its close proximity (approx. 3m) to a river that is tidal influenced. Given this information we would recommend adherence to the Precautionary Principle for this site.

Legislation and policies relevant to the Precautionary Principle:

- Marine UK Policy Statement Section 2.6.8.4
- Draft Marine Plan for Northern Ireland - Core Policy: Coastal Processes Paragraph 119

Further information on the applicable legislation is available in Appendix 1.

Summary

Given the information highlighted above we have set out the rationale and reasoning behind our concerns with this planning application. As detailed within this document, as well as our responses to this planning application, our main concerns and the reasons we recommended refusal for this planning application are:

- the potential impacts of climate change,
- coastal flooding, and
- coastal erosion on this proposed development.

Within this document we have highlighted that this proposal may be contrary to a range of planning policy documents and guidance.

We would therefore recommend that in the absence of reliable, scientific information on coastal change for this specific section of coastline and an understanding of how it will be impacted by climate change, the Precautionary Principle is adhered to.

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Appendix 1

Coastal Policy Documents

Marine UK Policy Statement

Section 2.6.7.4 under Climate change adaption and mitigation states *“Adapting to the impacts of climate change will also be a priority for terrestrial planning at the coast. Marine planning will need to be compatible with these impacts. This will include ensuring inappropriate types of development are not permitted in those areas most vulnerable to coastal change, or to flooding from coastal waters, while also improving resilience of existing developments to long term climate change.”*

Section 2.6.8.4 *“Marine plan authorities should be satisfied that activities and developments will themselves be resilient to risks of coastal change and flooding and will not have an unacceptable impact on coastal change. A precautionary and risk-based approach, in accordance with the sustainable development policies of the UK Administrations, should be taken in terms of understanding emerging evidence on coastal processes”.*

Section 2.6.8.5 *“Marine plan authorities should consider existing terrestrial planning and management policies for coastal development under which inappropriate development should be avoided in areas of highest vulnerability to coastal change and flooding. Development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere.”*

Section 2.6.8.6 *“Account should be taken of the impacts of climate change throughout the operational life of a development including any de-commissioning period. Marine plan authorities should not consider development which may affect areas at high risk and probability of coastal change unless the impacts upon it can be managed. Marine plan authorities should seek to minimise and mitigate any geomorphological changes that an activity or development will have on coastal processes, including sediment movement”.*

Strategic Planning Policy Statement 2015

Section 3.13 of the SPPS states that, *“the planning system should therefore help to mitigate and adapt to climate change by ... avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms.”* This area of the coast is known to be at risk from coastal flooding, coastal erosion and sea level rise.

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Section 6.33 of the SPSS states that *"The RDS recognises that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats, and to help adaption to climate change, and accordingly states the landscape setting of features should also be conserved"*.

Draft Marine Plan for Northern Ireland

Core Policy: Climate Change

The Core Policy on climate change states *"public authorities, where appropriate, must consider the proposals ability to adapt to a changing climate."*

In relation to Climate Change Adaptation, the Core Policy states *"Where climate change has the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:*

- a) *How the impact has been considered; and*
 - b) *Measures to address the adverse impact, where appropriate."*
- Paragraph 97 states *"Public Authorities must consider if any actions are necessary to adapt the proposal to a changing climate, through decision making processes."*
 - Paragraph 100 states: *"Increased temperatures, sea level rise and extreme weather events increase the risk of coastal erosion and flooding, and should be taken into account by proposers and public authorities. Proposals should be located and designed to cope with current and future conditions. Care needs to be taken to ensure proposals do not adversely impact on natural ecosystems"*.

Core Policy: Coastal Processes

The Core Policy on **Coastal Processes** states *"public authorities must consider any potential impact from proposals on coastal processes."*

"Where a proposal has the potential to adversely impact on coastal process, a public authority will require the proposer to demonstrate:

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- a) *the adverse impact is avoided; or*
- b) *where adverse impact is unavoidable, it is minimised, and where appropriate mitigated; or*
- c) *where adverse impact cannot be avoided or minimised, it is mitigated.*

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact."

In relation to **Resilience to Coastal Processes**, the Core Policy states "Where coastal processes have the potential to impact on a proposal during its lifetime a public authority may require the proposer to demonstrate:

- a) *How the impact has been considered; and*
 - b) *Measures to address the adverse impact, where appropriate."*
- **Paragraph 114** states "Public authorities must consider the potential impact of proposals on coastal processes and conversely, how coastal processes may impact upon proposals over their lifetime, through decision making processes. The nature of coastal processes may require that attention is given to potential transboundary effects."
 - **Paragraph 117 and 118** further state that "proposers should ensure that proposals do not cause or exacerbate coastal change elsewhere and allow the continued functioning of existing services and activities. It is important to minimise and/or mitigate potential changes to coastal processes."
 - Furthermore, **paragraph 123** states "public authorities should only authorise a proposal if they are satisfied that there are no unacceptable adverse impacts on coastal processes."

In relation to the Precautionary Principle, **Paragraph 119** of the Coastal Processes policy requires public authorities to apply a precautionary approach in assessing proposals, including when considering the impact of proposals on national and international natural heritage resources (paragraph 228).

Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026

Priority 2: Environment

- To maintain and enhance Northern Ireland's natural resources within the coastal zone and protect, maintain and enhance the condition of designated nature conservation sites.

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- To conserve, protect and where possible enhance the estuarine and coastal environment and terrestrial ecosystems dependent on this such as marine wetlands and salt marshes.

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

Proposed demolition of existing dwelling and replacement with new dwelling at 28 Warrenpoint Road Rostrevor.
Ref: LA07/2022/0612/F

This is a planning application for the demolition of existing dwelling at 28 Warrenpoint Road Rostrevor and construction of a new family dwelling.

The application was determined under a number of planning policies all of which the planning department are content with.

During the planning process only one consultee raised an objection to the proposal, which was marine and fisheries division of NIEA. The objection was on the grounds of coastal erosion.

A drawing was provided to the planning department showing two O.S maps. The ordnance survey maps are updated every 3 to 5 years and as per government definition provides 'the most accurate and up to date geographical data, relied on by the government, business and individuals.'

One of the maps provided is from a survey carried out in 1979 which shows the depth of the existing site at 77.2 m deep. As previous stated these maps are renewed every 3 to 5 years and would show geographical changes in the landscape and boundaries. Another O.S map from 2021 shows the existing site at 77.2m deep the same as in 1979. The existing survey carried out by Land Survey Services shows the site at 77.2m deep. In 44 years this site has not changed size.

The proposed dwelling is positioned a significant distance away from the ambiguous coastal erosion line in excess of 45 meters, the finished floor level of the proposal is above any current flooding or climate change flooding level and there is no historical evidence of flooding at the proposed site.

In this area of coastal development there have been a number of approved and constructed dwellings since 2019 which are significantly closer to coastal erosion line then the proposal. Approved and under construction a dwelling at 18 Warrenpoint Road is significantly closer to coastal erosion than our proposal. Application LA07/2019/1012/F at 31 Rostrevor Road was approved with a condition from NIEA stating

'We welcome the 10 metre buffer between the development and the high water mark. This will alleviate some of the risk associated with building in close proximity to an eroding coastline. We would recommend that there should be no development or construction works within this 10 metre buffer.'

Planning application for demolition and erection of replacement dwelling at 30 Shore Road, reference LA07/2019/1358/F was granted planning permission in similar circumstance to our application. As stated by the case officer in the report for our proposal:

- The proposal is for a replacement dwelling inside the development limit and is an on-site in-situ replacement with the existing access to be retained. Therefore, no intensification of the use of the site or access.
- The existing dwelling could be inhabited through minor works
- The proposed replacement dwelling is not sited any closer to the western side elevation (where the site abuts the Ghann River) than the existing dwelling.

- DFI Rivers were consulted and accept the logic of the FRA and are content overall.
- SES were consulted after NIEA's response and are content subject to conditions

Our proposal is 45m from the coastal erosion line and the applicant is more than happy to accept a condition that there is no development within 35m of the coastal erosion line.

The proposal is 45m from the coastal erosion line which is further back than any of the other approved dwellings along this coastal area.

We agree with the planning department that this proposal should be granted.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1496/F

Date Received: 06.09.2022

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

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

1.0 Site Characteristics and Area Characteristics

The application site is located outwith any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan (Map 3/01 Newry and Mourne District).

The lands outlined in red extend to include the existing access and driveway, subject building and associated curtilage and a portion of afield.

The application site is accessed via a wide driveway from the Derrycraw Road which inclines towards the current dwelling. Shading the dwelling from the Road are a number of Sheds and outhouses which appear to be associated with what seems to be a farm. At the roadside there are tall concrete pillars and walls which secures the access via a tall iron gate. The laneway is enclosed via a wooden fence. The application site is located approximately 2.5 miles north east of the settlement development limit of Newry. There are no historic or natural environment designations on or within proximity to the application site.

The current dwelling on site appears single storey with a side gable upper floor window. There is a small amount of amenity space to the side and rear of the dwelling. The dwelling is approached from the yard. The dwelling is occupied at present and appears to be well maintained.

The proposed site plan indicates that the dwelling is to be replaced off site and moved to the field to the east when travelling up the lane. The surrounding area is rural with a varying mix of dwellings.

Image 1: Extract from the Site Location Plan

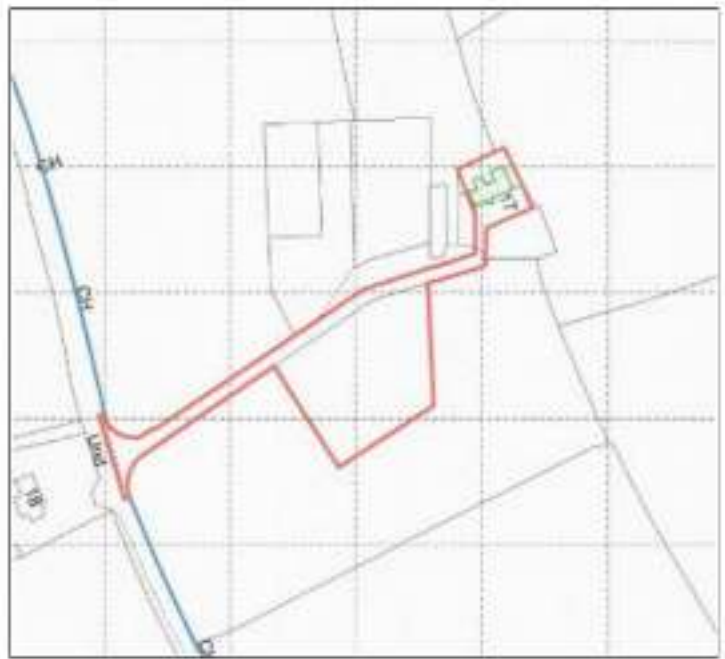


Image 2: Extract from Proposed Site Layout



Image 3 Dwelling subject to replacement



Image 4 Field where dwelling is proposed to be placed



2.0 Planning Policies and Material Considerations

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

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

3.0 Site History

3.1 There is one closed enforcement case on the application site. Planning reference P/2000/0069/CA for operational development.

4.0 Consultations

4.1 Consultations were issued to the following consultees:

- DFI Roads – Set out that if the dwelling could be reasonably occupied then DFI Roads would have no objections. DFI Roads has pointed out that the existing vehicular access is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.
- NI Water – No objections to the proposal
- DFI Rivers – No objections

5.0 Objections and Representations

5.1 2 Neighbours were notified with regards to the application. The application was advertised on the 12th October 2022. No objections or representations were received to date (06.07.2023).

Correspondence with Applicant/Agent

5.2 There have been a number of exchanges with the Agent dating from the 2nd December 2022 to the 19th June 2023. Following initial internal review and site visit an email was issued to the Agent highlighting the concerns of the Planning Department. This email set out that the proposed replacement position would appear prominent in the landscape and would lack integration. At this stage the Planning Department acknowledged that the current curtilage of the dwelling is somewhat limited and set out that it would be amenable to a modest increase in the existing curtilage where the current dwelling house which would be considered to provide sufficient benefits to those residing in the dwelling. It was set out at this stage that currently the proposal is contrary to CTY 3, CTY13 and CTY14.

5.3 On the 16th December 2022 further information was submitted. This rebuttal document included photomontages from the Derrycraw Road of the proposed

dwelling. Alongside the photomontages was a rebuttal which included a variety of points to include viewpoints, the plan for an energy efficient home, if the proposed dwelling was placed where the current dwelling is it would be elevated and more prominent. Other points raised included design points. This was internally reviewed by the Planning Department and the Planning Department position remained.

5.4 On the 6th April an email was received from the Agent requesting a meeting to discuss and progress the application. The Planning Department were agreeable to a meeting but stated that in agreeing to a meeting the Planning Department would expect draft revised proposals for consideration in advance of the meeting. No further correspondence was received from the Agent. Following no further correspondence, the Planning Department issued a final email to the Agent setting out that having not received anything further the Planning Department are progressing the application on information submitted to date.

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 the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

6.3 Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 5.0 Replacement is relevant to this application. The guidance sets out how replacement projects can help to reinvigorate our rural landscape ... and further elaborates on the guidance set out with PPS 21 on eligibility for replacement, size, scale and form; it is imperative that these design principles are incorporated and considered when applying for a replacement dwelling. The guidance further explores how priorities should include retaining all mature trees, hedgerows, walls and boundaries where possible as well as access points.

PPS 3 Access Movement and Parking

6.4 DFI Roads were consulted as part of this application; DFI Roads responded that if the dwelling on the application site could be lived in currently then they had no objections to the proposal. DFI further set out that the existing vehicular access is sub-standard and that, in your interests and that of other road users, measures

should be taken to provide acceptable visibility. As the current dwelling is currently occupied whereby it is proposed to continue to use this existing access, the Planning Department did not seek any further information or changes by the applicant in respect of the access.. However, the comments from DFI Roads are considered informative for the attention of the applicant, and will be rerated as such.

PPS21 Sustainable Development in the Open Countryside

6.5 Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3.

CTY 3 Replacement Dwellings

6.6 *Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.*

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

6.7 Following a site visit it is evident that the building located at 17 Derrycraw Road does exhibit the essential characteristics of a dwelling house and is substantially intact. Furthermore, it is evident that the dwelling is currently being resided in and is well maintained. It is therefore considered that the dwelling is eligible for replacement under CTY 3. It is also worth noting that given the fact the dwelling is currently lived in and well maintained the dwelling is considered to be fully watertight, there is no evidence of the existence of any protected species being able to gain entry observed.

6.8 In addition to the above further guidance is set out within CTY 3 upon which all replacement cases should comply with.

6.9 **The proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;**

6.10 The siting proposed for the replacement dwelling is located approximately 85 metres from the current dwelling house, in a field fronting onto the Derrycraw Road. The field is currently utilised for grazing and has a rising topography from the Road. It is proposed to place the dwelling in the field and access it via the current drive that currently serves the dwelling. The new dwelling and associated curtilage will effectively be cut out of this field. The Planning Department would consider the siting inappropriate. The Planning Department acknowledge that the current dwellings position is currently constrained by the curtilage of the dwelling and hardstanding to the front of the dwelling. The Planning Department would however consider that the dwelling should be replaced in-situ, with a modest increase in the size of the curtilage, which can accommodate a larger well designed design, with sufficient space and provision for amenity space and parking. IT is noted the applicant owns this adjoining land.

6.11 the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

6.12 The dwelling currently resided in whilst elevated is not readily visible from the Derrycraw Road. The proposed dwelling is proposed to be located in a roadside field fronting the Derrycraw Road with access to it via the existing driveway. The new dwelling and curtilage will effectively be cut out of this large open field. The application site is enclosed via a fence to the driveway side of the field and to the three other boundaries via hedging and a post and wire fence. The dwelling incorporates a portion of the field. The proposed dwelling has a ridge height of approximately 6.5m above finished floor height. The dwelling has a two-storey effect with boxed dormers in the roof.

It is therefore considered that the siting of the proposed replacement dwelling would have a visual impact significantly greater than that existing, and will appear prominent in its surrounds and lack sufficient integration to its surrounds.

6.13 the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; • all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

Image 5 Extract from Proposed Elevations

6.14 The proposed dwelling whilst modern in architectural design does not offend policy to a detrimental level. There are a variety of dwellings within the surrounds and it is noted that many of these are long standing dwellings. The dwelling is modern utilising modern design features to create a contemporary design with the rear portion of the dwelling subordinate in height to the main block. The proposed materials include:

- Walls – Smooth rendered plaster finish to exterior with Granite Stone finish where shown
- Windows – Blue/Black aluminium window frames
- Roof – Blue/Black slates
- Rainwater Goods – Black cast aluminium

It is considered that the design and finishes of the application are appropriate.

6.15 access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

6.16 DFI Roads were consulted with regards to the application and have no objections. DFI Roads set out that the current access is substandard, however, given the fact this is a replacement dwelling upon which the dwelling is long established as well as the current access which is currently utilised by the occupants of the dwelling the Planning Department would consider the access arrangements appropriate. Comments from DFI Roads will be added to any decision notice as informatives.

Policy CTY 13 Integration and Design of Buildings in the Countryside

6.17 *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; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

6.18 In considering the proposal against the policy requirements of CTY 13, the proposal fails to comply. Given the proposed siting of the proposed replacement in the side of a large, sloping roadside field, it will be a prominent feature in the landscape. This is due to the fact the land rises from the Road and thus the proposal would be readily visible from the Derrycraw Road whereby the current dwelling is not. Further, whilst there are established boundaries to the wider field and existing curtilage, the proposed siting and associated curtilage effectively requires and will rely on new planting and boundaries on 3 sides to enclose the dwelling and create the curtilage thus lacking natural boundaries and relying on new boundaries to ensure integration of the dwelling.

Policy CTY 14 Rural Character

6.19 *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.*

6.20 As above given the natural topography and exposure of the proposed location for the dwelling it is considered that the proposed dwelling would be unduly

prominent in the landscape. As stated, the existing dwelling is located further back from the roadside and public viewpoint, being screened by the existing holding and grouping of buildings, and where it is visible, it reads together with this grouping.

The siting proposed breaks into an undeveloped large open roadside field, and for the reasons previously stated, is considered will be unduly prominent and is contrary to CTY 14.

Summary

6.21 While it is acknowledged the building to be replaced is a dwelling which is currently resided in and well maintained, and there are no objections in principle to a replacement dwelling, the proposed offsite location is not considered acceptable and is considered contrary to policy.

The Planning Department acknowledges the existing curtilage of the dwelling is restricted in size, however has advised the agent it would be amenable to a modest increase in size to this existing curtilage, to accommodate an appropriate dwelling, together with provision of amenity space and parking, which will respect the various policy tests. This offer has not been availed of, whereby the Planning Dept must therefore assess the proposals as submitted.

It is considered the proposed siting is unacceptable for the reasons stated, whereby the application is recommended for Refusal.

7.0 Recommendation – Refusal

7.1 Drawings in which the application relates to PL-01, PL-02, PL-03, PL-04, PL-05

7.2 Conditions

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; and
- the dwelling proposed does not integrate and will have a visual impact significantly greater than the existing building.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that (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; and (c) it relies primarily on the use of new landscaping for integration

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, (a) be unduly prominent in the landscape

7.3 Informatives

1. This decision notice relates to drawings PL-01, PL-02, PL-03, PL-04, PL-05
2. DfI Roads has pointed out that the existing vehicular access is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

Case Officer Signature: Roisin McGrane

Date: 06.07.2023

Appointed Officer Signature: M Keane

Date: 06-07-23

Principle of Development:

- The development proposal is in keeping with Policy CYT3 of PPS21, in that the proposed dwelling to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The internal status and condition(s) of the replacement building was not inspected by the planning officer as part of their assessment.
- The Planning Department acknowledge the current dwellings position is currently constrained by the curtilage of the other buildings and hardstanding to the front. There is no amenity space or garden area to the front and side of the subject building to be replaced. The associated physical condition of the building floors, the internal ceiling heights and the ground conditions surrounding the existing buildings would render the proposal to be reconstructed in-situ are considered not feasible. (See Appendix 2 &3)
- The existing dwelling house is visible from the Derrycraw road upon some approaches and the other adjacent outbuildings and commercial building are very visible. However, the replacement is substantially visible from the Newry / Belfast A1 Road and therefore any increase in the size of a proposed dwelling at this position would make the proposal visibly greater. (See Appendix 1)
- The CGI visuals submitted for the proposal, clearly illustrate the proposed new building integrates into the surrounding landscape and does not have a visual impact significantly greater than the existing building. (See Appendix 3)
- The proposal, where it has been identified, provides for a demonstrable Landscape, Heritage, Access and Amenity benefit.

Integration, Design & Rural Character:

- The planning department have accepted the architectural rural design of the proposed dwelling house is acceptable, and the design and finishes of the proposal are appropriate.
- Roads Service have no objections to the access arrangement proposed from the existing laneway, which therefore negates the requirement to remove any existing hedgerows situated along the Derrycraw road, which assists the proposal being visibly screened.
- The building is subtly integrated into the landscape, blending in rather than standing out. The structure has a minimal impact on the landscape, maintaining a low profile. The building is intentionally designed to let the landscape take centre stage and yet maintains a gentle presence, allowing the landscape to remain the focal point.
- The site boasts clear and well-defined boundaries, ensuring a sense of structure and ownership especially along the Southern Boundary with the substantial mature trees and the existing hedgerow to be retained and bolstered along the Derrycraw road frontage.

Planning Reference: LA07/2022/1496/F – Lands Adjacent to No.17 Derrycraw Road, Newry.

- The site's well-structured boundaries give it a defined and contained character.
- The proposed site's design emphasizes working with the existing landscape rather than relying heavily on new landscaping. The proposed site's design minimizes the use of new landscaping elements, focusing on what is already present. The proposed site design also employs new landscaping elements sparingly, ensuring a balance with the existing environment.
- The development proposal aligns completely with the requirements outlined in planning policy CTY13 of PPS21.
- The building is subtle in its appearance and does not dominate the landscape. The building's unobtrusive nature keeps it from being prominent especially in consideration of the adjoining buildings adjacent.
- There have been significant other planning precedents which have been granted by the council's planning department and by the planning committee for other off site replacement development proposals.
- In recognition of two similar development proposals in close proximity to the application site, the position of these replacement dwellings, which were situated upon the same contour levels of the existing Drumlin and which have been deemed to be acceptable in planning policy terms (P/1998/0788/F), (P/2000/1571/F), (P/2001/1918/O) and P/2002/1020/F, all located at properties known as No.7, 9, 11 Derrycraw Road. (See Appendix 4)
- The proposed building does not result in suburban style build up of development. The existing Derrycraw road is synonymous with frontage facing road side properties, together with other large-scale properties accessed from private laneways. The proposal completely respects the traditional pattern of development within the subject area and does not create or add to a ribbon of development.
- We respectfully tried to engage with the planning department to discuss the positives of the off-site replacement location and the response returned was that if the applicant did not consider replacing the building in-situ, there was no point in meeting and therefore the invitation was duly declined by the applicant.
- We therefore respectfully request that the planning committee consider and overturn the case officer's recommendation as the proposal fully conforms to Policy CTY3, CTY13 and CTY14.
- Or perhaps, for a better understanding of this application site and to validate our points, why this application site should be reconsidered, a site visit by the elected representative's may be more appropriate.

Appendix 1



View Looking North at Existing Dwelling House and Position of existing Outbuildings.



View Looking West at Proposed Replacement Dwelling House from the main A1 Belfast / Newry Road.

Planning Reference: LA07/2022/1496/F – Lands Adjacent to No.17 Derrycraw Road, Newry.

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Appendix 2



View of Existing Replacement Dwelling House. And external curtilage. Internal view of existing ceiling heights within replacement dwelling.

Appendix 3



View Looking North at Proposed Replacement Dwelling and Position of existing buildings.

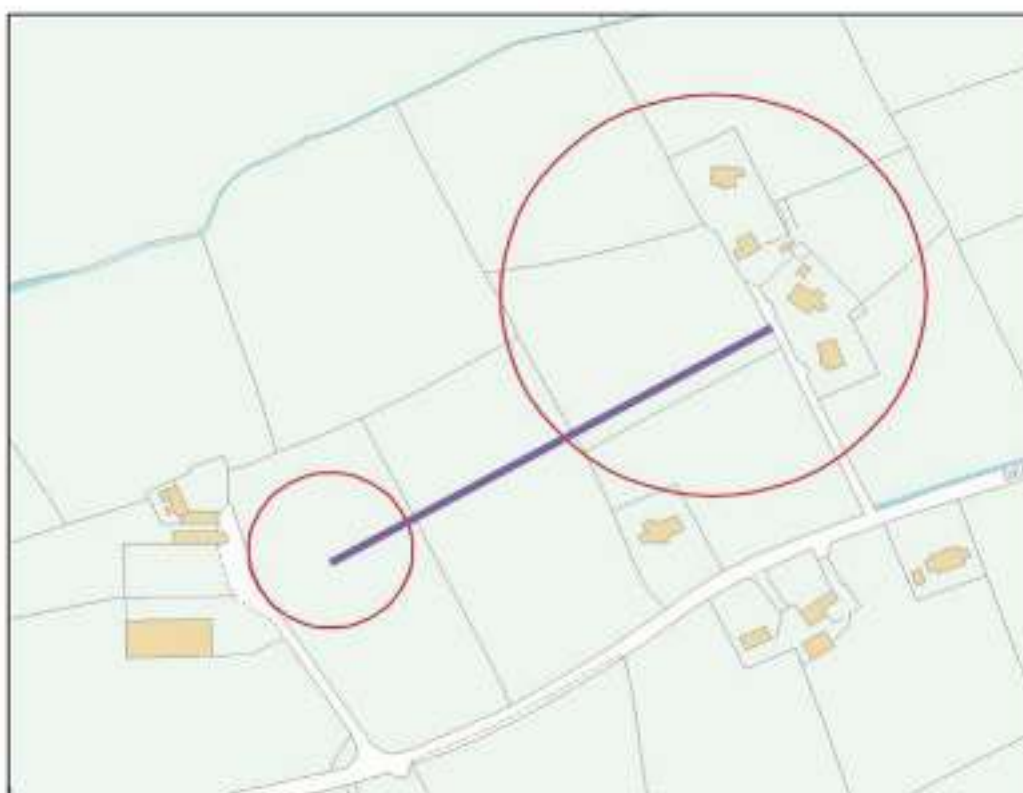


View Looking East at Proposed Replacement Dwelling and Position of existing buildings.

Appendix 4



View Looking South at existing Dwelling Houses No.9 & No.11 and their positions located Upon the same Drumlin, similar to the proposed replacement site contour level.



View Looking South at existing Dwelling Houses No.9 & No.11 and their Positions Upon the same Drumlin Location as the proposed replacement site.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1554/F

Date Received: 22/09/2022

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

Location: Lands adjacent to and approximately 15m south of no. 18 Newtown Road, Killeavy, Newry, BT35 8NN

Site Characteristics & Area Characteristics:

The application site is outlined in red on the site location plan submitted. It encompasses a portion of existing agricultural lands and is located in between an existing agricultural building (to west of site) and dwelling (to east of site). The site is accessed off the Newtown Road. It is relatively level and is bounded to the roadside by timber fencing.

The site is located approx. 3 miles south of Newry and lies outside a settlement limit as designated in the Banbridge/Newry and Mourne Area Plan 2015. The site also lies within an Area of Outstanding Natural Beauty.

Date of Site Visit: 29/11/2022

Site History:

LA07/2019/1194/O

- Directly adjacent to 26 Newtown Road, Newry, BT35 8NN
- Erection of dwelling (Infill) (Amended description)
- Permission Granted

Surrounding histories:

LA07/2020/1632/RM

- Directly opposite 20 Newtown Road Newry
- Proposed replacement dwelling
- Permission Granted

LA07/2019/1207/O

- Directly opposite 20 Newtown Road Newry BT35 8NN
- Proposed replacement dwelling
- Permission Granted

LA07/2017/1138/F

- Adjacent to and immediately South East of No.1 Newtown Court, Newtown Road Cloghogue, Newry, Co Down, BT35 8GX
- Erection of Agriculture Buildings
- Appeal Dismissed

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 - Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Building on Tradition Design Guide

Consultations:

DfI Roads - *DfI Roads has no objections in principle to this proposal.*

NI Water - *Approved with Standard Planning Conditions*

Objections and Representations:

Neighbours were notified of the proposal 13/10/2022. The proposal was also advertised in local press on 25/10/2022 and 26/10/2022.

No objections or representations have been submitted for consideration.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

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

The application site lies outside any settlement limits as designated in the Banbridge/Newry and Mourne Area Plan. It does lie within an Area of Outstanding Natural Beauty (AONB).

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY8.

Policy CTY 8 – Ribbon Development

As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

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.

This full application submitted proposes the erection of 2 rural semi-detached dwellings, with detached domestic garages, ancillary site works and associated landscaping.

The application site has benefited from the granting of outline planning permission for one dwelling – LA07/2019/1194/O. It was accepted that the application site was a small gap within an otherwise substantial and continuously built-up frontage, which respected the existing development pattern along the frontage in terms of plot size (matters reserved to be assessed at RM stage).

However, the case officer report for this application notes:

*“The gap is sufficient to accommodate a dwelling based on the established plot sizes along the road.... The development proposes to fill in gap between buildings in the countryside. This policy grants an exception to development in these circumstances, **and the site is suitable for one dwelling** (my emphasis).*

The Planning Department had significant concerns with this proposal, which proposed a pair of semi-detached dwelling within the gap previously identified as being suitable for the infilling of one dwelling. An email was sent to the agent noting concerns:

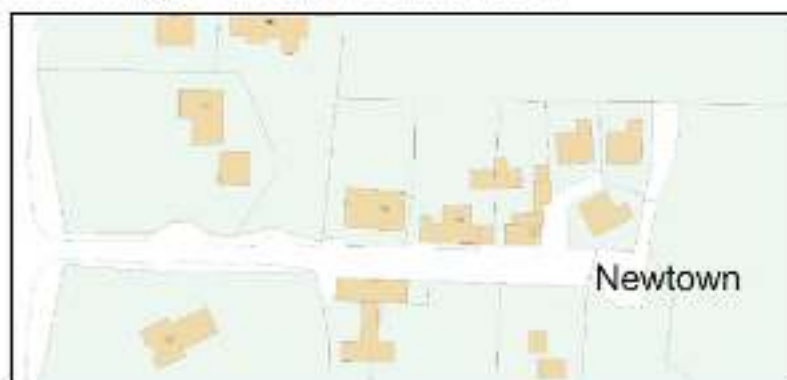
“It is not considered the proposed pair of semi-detached dwellings respects the existing development pattern along this frontage in terms of plot size. The report for LA07/2019/1194/O outlines ‘the site is suitable for one dwelling’. The Department are of the opinion that the proposed dwellings represents over-development of the site and would ask that you consider reducing the scale to a single dwelling”.

The agent submitted additional supporting information in relation to this proposal. This is available for viewing online. The main points are summarised below:

- The nature and characteristics of the development proposal should be considered in terms of the location of the proposal - the clachan area known locally as 'Newtown Village'.
- Historical OSNI maps forwarded demonstrated the area of housing has been in situ for a significant amount of time. The clachan area was and remains defined by frontage facing dwelling houses and outbuildings, with additional buildings located to their rear.
- Existing development pattern along this frontage in terms of plot size, including orientated frontages faced onto the existing roadway.
- There is no consistent pattern of development within this subject clachan.
- The frontage of the proposed site is almost exactly the same as that of the adjacent plots at no. 24 and no. 26.
- The dwelling house(s) block has been sited to follow the existing building line and development pattern of the adjacent development.
- LA07/2020/1632/RM – replacement dwelling approved to the east of the site approved signifies the Council accepting the existing development pattern being of two storey dwelling houses with respective frontages and orientations to be fully acceptable at this location.
- **LA07/2019/1194/O** is a reasonable valid fallback position – it is apparent that the Council consider that one dwelling and garage on the site would meet all the requirements of CTY 8.
- **LA07/2018/1550/F** – erection of 2 semi-detached dwellings in the countryside, which previously benefited from extant permission for the erection of one dwelling. It was considered that the proposed plot size was in keeping with the character of the immediate area.

The Planning Department have considered the supporting information submitted in whole, alongside the proposed CGI images provided by the agent.

In response to this correspondence, the Planning Department note that it is not appropriate for direct comparisons to other planning decisions, as the circumstances are different, and each application must be assessed on its own merits. The development pattern of the surrounding area of the application referenced (LA07/2018/1550/F) is materially different to this application site. In regards LA07/2018/1550/F, to the north-east of this site were two semi-detached dwellings (no. 191 and No. 193 Armagh Road). The surrounding context along this portion of Newtown Road does not feature any semi-detached dwellings. It is characterised by single, detached dwellings. This is demonstrated below:



Para 5.34 of CTY 8, PPS 21 outlines *'in considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development'*.

Having considered the supplementary information forwarded, the Planning Department remain of the opinion that the proposal is contrary to policy CTY 8 in that the development of the gap site identified does not respect the existing development pattern – which is characterised by single detached dwellings.

The agent notes in the response that *'the frontage of the proposed site is almost exactly the same as that of the adjacent plots at No. 24 and No. 26:*



It had been identified through the granting of planning permission previously on the site that this gap was suitable for the infilling of one dwelling. One dwelling here would be consistent with adjacent plots noted. The proposal represents an overdevelopment of this gap site, which is in contrast to the existing frontage along Newtown Road. It does not respect the existing development pattern in terms of scale and plot size.



Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Para 4.4.0 of this document advises that new development under CTY 8 *"will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character."* Appropriate gap sites follow the established grain of the neighbouring buildings. It is not considered the proposal for two semi-detached dwellings in a gap previously identified as suitable for one, follows this established grain along Newtown Road.

For the reasons outlined above, the proposal is considered contrary to CTY 8. The proposal is therefore also considered contrary to CTY 1.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The proposal is for two semi-detached dwellings. They have a ridge height of approx. 8.6m. It is considered that, given the presence of the two-storey replacement dwelling to the east of the site, with the approximate same ridge height, the dwelling would not be a prominent feature in the landscape. The site can provide a suitable degree of enclosure for the building to integrate into the landscape. It does not rely primarily on the use of new landscaping for integration.

The ancillary works proposed include two driveways, four parking spaces and two double garages. The cumulative impact of this amount of hardstanding and ancillary works (on a plot previously identified by the Council as suitable for the infilling of one dwelling and associated works) means the proposal does not integrate sufficiently with their surroundings. CTY 13 outlines less formal solutions should be sought for accesses and other ancillary works in the countryside.

The dwellings proposed are to be finished in smooth light grey rendered plaster, black/grey slates, uPVC window frames and rainwater goods and painted hardwood external doors. Each dwelling includes a chimney. The windows proposed offer a degree of vertical emphasis to the front and rear elevations. Each gable proposes one window at the first-floor level. This is to serve the bathrooms present and will not offer a substantial degree of overlooking into neighbouring properties. The design is appropriate for the site and its locality.

The proposal blends with the landform, existing trees, buildings and other natural features which provide a backdrop.

The proposal is contrary to criteria d of CTY 13.

CTY 14 – Rural Character

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

As outlined above, it is not considered the proposed new dwellings and garages would be unduly prominent in the landscape.

The proposal represents an over-development of the application site and results in a suburban style build-up of development when viewed with existing and approved buildings along this portion of Newtown Road. The cumulative impact of the dwellings and associated ancillary works is detrimental to the character of the area.

In order to maintain and protect the rural character of an area, new building proposed should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should: adopt the spacing of the traditional buildings found in the locality; or integrate sensitively along with a group of existing buildings, such as a farm complex. It is not considered that the proposed dwellings adopt the spacing of the residential buildings in the locality.

As outlined above, the ancillary works are inappropriate for the site. CTY 14 outlines that access arrangements can often raise awareness of, and draw attention to new development,

and when read in conjunction with other existing and/or approved accesses, can have a combined impact damaging to the rural character of an area. It is considered that the dual accesses, parking arrangements and 2 garages within the site is inappropriate and would damage the rural character of the area.

As the proposal is not compliant with CTY 8 (for the reasons outlined above), the proposal is contrary to CTY 14 in that it adds to a ribbon of development along this portion of Newtown Road.

The proposal is contrary to criteria (b) (c), (d) and (e) of CTY 14.

CTY 16 – Development relying on non-mains sewerage

The application form indicates foul sewage will be removed of via septic tank. The proposal complies 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.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety.

Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

DfI Roads have raised no objections to the proposal, subject to conditions. The proposal is therefore considered compliant with PPS 3.

Planning Policy Statement 2 – Natural Heritage

The site lies within a designated Area of Outstanding Natural Beauty. Planning permission for a new development will only be granted where it is of an appropriate design, size and scale for the locality, in line with NH 6 of PPS 2.

The scale of the proposal is not considered sympathetic to the special character of the AONB in that it represents overdevelopment of a gap site, suitable for the infilling of one dwelling.

The proposal respects features of importance to the character, appearance or heritage of the landscape. It does not involve the removal of any protected habitats from the site.

The proposal respects local architectural styles and patterns, traditional boundary details and local materials, design and colour.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in

that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal does not respect the existing development pattern in terms of scale and plot size and, does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the ancillary works proposed do not integrate with their surroundings.
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 dwellings would, if permitted, result in a suburban style build-up of development at this location;
 - The dwellings, if permitted, would not respect the existing pattern of settlement exhibited in the area;
 - The dwellings, if permitted, would add to a ribbon of development along Newtown Road; and
 - the impact of ancillary works would damage rural character;which would result in a detrimental change to the rural character of the area.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: E.Moore 07/07/2023

Authorised Officer: M Fitzpatrick 07/07/2023

- **Principle of Development:**
- The development proposal is in keeping with Policy CYT8 of PPS21, in that the proposed site is featured within a substantial and continuously built-up frontage and respects the existing development pattern in terms of size, scale, siting and plot size.
- The proposal wholly complies with the SPPS and Policies CTY 1 and CTY 8 of PPS 21 as the applicant does not own any other lands within the local development zone of Newtowncloghoge. On this basis, the development proposal is located within a line of three or more buildings, including No. 24 Newtown Road to the East of the proposal and No. 26 Newtown Road, with existing outbuildings to the West of the application site, which clearly demonstrates that the proposal is suitable both for this rural location and is indeed an existing (infill) gap site, therefore meeting the relevant planning policy criteria of CTY 1 and CTY 8 and the criteria listed.
- When travelling in either direction along the roadway towards the site, there is a perception that the road frontage is substantially and continuously built up. There is a strong sequential relationship between the new dwelling house constructed at No.24, which directly fronts onto the road and also the two-storey dwelling and outbuilding located at No.26.
- In terms of the existing development pattern along this stretch of public roadway, all of the existing buildings have orientated frontages faced onto the existing roadway. All of the buildings in close proximity to the site, front directly onto the road and therefore the requisite minimum of three buildings has been achieved and the initial part of the infill gap sequential test has been fully satisfied.
- There is absolutely no consistent pattern(s) of plot development within this subject clachan area or surrounding site area. There is a complete mismatch of existing plot sizes as illustrated by the aerial image of the area within Appendix 1 below.
- In consideration of the analysis and visuals provided there is no overdevelopment of the site, in general overdevelopment refers to one of two things: One: The amount of development (for example, the number of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services; or. Two: The impact on local amenity and character. The development proposal as submitted offends neither of these aspects.
- The design and layout of this development proposal is based upon an overall design concept which draws upon the positive aspects of the character and appearance of the surrounding area. This 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, landscaped and hard surfaced areas. The features of the archaeological 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 proposed development.
- A significant other Planning Precedent which was granted by the Council's planning department for another similar infill development proposal under Planning Reference (LA07/2018/1550/F). This planning precedent shares the same attributes in principle to the application currently under assessment, that being;
The application was located outside any settlement development limits as designated by the Banbridge / Newry & Mourne Area Plan 2015;
The application was for the erection of 2 semi-detached dwellings in the countryside;

The application site benefited from an extant planning permission for the erection of a dwelling house (singular) subsequently changed.

There was significant existing development at bookends of the development and the department concluded that the gap size was such, that it could only accommodate up to 2 dwellings, while remaining respectful to the existing development pattern in the area.

It was considered the proposed plot size was in keeping with the character of the immediate area.

- **Integration, Design & Rural Character:**

- The proposal does not result in a suburban style build-up of development when viewed with existing and approved buildings in the locality and all of the surrounding dwellings include a completely different range of architectural styles and materials choice.
- Given the surrounding context and nature of the built environment, and mix of house styles and sizes, it is considered that the proposal is acceptable and will not be a prominent feature in the landscape. The proposed dwellings will read along with the existing dwellings along the frontage of the Newtown Village Road.
- The application site has acceptable established rear natural boundaries which provide a suitable degree of enclosure for the buildings to integrate into the landscape. The proposal as submitted includes additional planting which will supplement these boundaries and provide a further element of integration.
- The proposal is not considered to be unduly prominent in the landscape. It is of an appropriate scale for the surrounding context. The proposal does not result in a suburban style build-up of development when viewed with existing and approved buildings in the locality. The proposal respects the traditional patterns of settlement exhibited in the area. The proposal does not create or add to a ribbon of development and the impact of ancillary works does not damage rural character.
- In consideration of Planning Policy Statement 2 – Natural Heritage, the proposed site lies within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). The siting and scale of the proposal is sympathetic to the special character of the AONB and given the nature of the scale of dwellings along this portion of Newtown Road, it is considered the proposal would read with existing development in the particular locality.
- The proposal does not threaten features of importance to the character, appearance or heritage of the landscape. The use of materials similar to adjoining and to local architectural styles and patterns is also considered appropriate for this AONB.
- We therefore respectfully request that the planning committee consider and overturn the case officer's recommendation as the proposal fully conforms to Policy CTY8 as it is shown that there is in fact an existing gap site featured along the Newtown Road.
- Or perhaps, for a better understanding of this application site and to validate my points as to why this application site should be reconsidered, a site visit by the elected representative's may be more appropriate.

Appendix 1



1A) View looking East towards the Proposed dwellinghouses from the Newtown Road.



1B) View Looking East towards the Proposed dwellinghouses read in conjunction with adjoining properties Nos. 24 & 26 Newtown Road.



1C) Aerial view looking South West at the Proposed dwellinghouses and the existing pattern of development located on the Newtown Road.



1D) View looking South East at the Proposed dwelling houses and the existing pattern of development located on the Newtown Road.



1E) View looking North East at the Proposed dwellinghouses and the existing pattern of development along the Newtown Road.



1F) Overhead view of the Proposed dwellinghouses and the varying plot sizes and styles along the Newtown Road.

Planning Reference : LA07/2022/1554/F

Committee Application (Amended Report)

| Development Management Officer Report | |
|---|---|
| Case Officer: Claire Cooney | |
| Application ID: LA07/2021/1995/F | Target Date: |
| Proposal: Proposed 2no Detached Dwellings with associated Car Parking and Landscaping (Amended Plans) | Location: Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle |
| Applicant Name and Address: Windsor Developments Ltd 6 Saintfield Road Lisburn BT27 5BD | Agent Name and Address: 122 Upper Lisburn Road Finaghy Belfast BT10 0BD |
| Date of last Neighbour Notification: | 19 August 2022 |
| Date of Press Advertisement: | 15 November 2021 |
| ES Requested: No | |
| Consultations: | |
| DfI Roads – No objections | |
| NIW – No objections | |
| Representations: | |
| Letters of Support | 0.00 |
| Letters of Objection | 7 |
| Petitions | 0.00 |
| Signatures | 0.00 |
| Number of Petitions of Objection and signatures | |
| Summary of Issues: | |
| Main issues for consideration are whether the following are acceptable | |
| <ul style="list-style-type: none"> • The sites location outside the settlement limit of Newcastle but within an existing residential development – in terms of policy considerations and the ADAP • The design, layout, parking and amenity of the proposal • The impact on neighbouring properties • Road Safety | |

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located within the existing residential development known as Boulevard Park, positioned off Dundrum Road Newcastle. The site is comprised of a flat, vacant portion of land, which is currently defined by a timber fence as shown below.



The site is positioned to rear of those properties at 26 – 34 Boulevard Park and opposite Nos 59 and 97 Boulevard Park. To the west of the site lies a Caravan Park. The site is therefore located in a predominantly residential area, characterised by two-storey terraced and semi-detached dwellings.

Description of Proposal

Proposed 2no Detached Dwellings with associated Car Parking and Landscaping (Amended Plans)

Planning Assessment of Policy and Other Material Considerations

SPPS – Strategic Planning Policy Statement for Northern Ireland

Ards and Down Area Plan 2015

PPS21

PPS 12 – Housing in Settlements

PPS7 – Quality Residential Environments

Planning Policy Statement 3 – Access Movement and Parking

Planning Policy Statement 15 – Planning and Flood Risk

Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2 – Natural Heritage

Creating Places

PLANNING HISTORY

Enforcement

LA07/2018/0027/CA Alleged unauthorised storage of topsoil – CASE CLOSED

LA07/2019/0208/CA The alleged unauthorised use of land as a builders compound. CASE CLOSED

Planning

R/2003/0888/F Decision: Allowed Proposal: Development of 60 houses.

R/2000/0509/F Decision: Permission Granted Decision Date: 26 July 2002
Proposal: Residential development - Amended scheme (29 town houses and 36 apartments).

: R/2003/0886/F Decision: Withdrawal Decision Date: 19 December 2005
Proposal: Development of 71 houses.

R/2010/0883/F Decision: Permission Granted Decision Date: 09 June 2011
Proposal: Part change of road in front of units 20-23 from adopted parking to incurtilage owner parking

Application Number: R/2014/0145/F Decision: Permission Granted Decision Date: 26 February 2016

Proposal: Erection of 50 dwellings (12 detached and 38 semi-detached) (change of house types from that previously approved under 2004/A563 and R/2003/0888/F), including car parking and landscaping. (Amended proposal/plans received)

LA07/2016/1504/F Decision: Withdrawal Decision Date: 09 March 2017

Proposal: Proposed residential development of 5no residential units comprising 1 detached, 2 semi detached and 2 apartments with associated car parking, landscaping and entrance pillars

LA07/2016/1455/F Decision: Permission Granted Decision Date: 08 September 2017

Proposal: Installation of 2 new calor bulk liquefied petroleum gas (LPG) storage tanks and protective compound

LA07/2021/1191/NMC Decision: Consent Refused Decision Date: 23 September 2021

Proposal: Demolition of existing semi detached dwellings and construction of 8 apartments along Main Road, and 10 apartments to the rear of the site, with associated amenity and parking (18 units in total).
(Amended plans received)

LA07/2021/1189/DC Decision: Approval Decision Date: 23 September 2021

Proposal: Discharge of condition 6 of planning approval LA07/2017/0332/F

SUPPORTING DOCUMENTS

Site Location Plan
Site Layout Plan
Landscaping Plan
Elevations and Floor Plans
Contextual Elevations

CONSULTATIONS

DfI Roads – No objections

NIW – No objections

Principle of Development

The site lies immediately adjacent but outside the settlement limit of Newcastle as defined in the Ards and Down Area Plan 2015.

The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. However, in this case, the site is very clearly within the existing development of Boulevard Park and is noted to be served by the existing road layout within the residential development.

This positioning of the site and its clearly defined separation from the adjacent caravan park (which lies outside the development limit) lends the site to development as part of the existing residential scheme. The development of the site in keeping with Boulevard Park, would not undermine the Development Plan or set a precedent given the unique set of circumstances that are present.

The use of this vacant site is considered to be sustainable given its unique location and would therefore align with the overall principles of the RDS and SPPS.

The Planning Authority therefore consider that despite its designation within the rural area, the Development Plan can be set aside in this instance and the proposal for housing, is considered acceptable in principle.

Design & Layout

The proposal seeks approval for two detached dwellings and has been amended from initial submission to be more in keeping with the character and existing layout present in Boulevard Park.

House Type A is to be located along the western boundary of the site and will be a two-storey dwelling with a 6.8m frontage, a 12.1m gable (not including the ground floor return) and a ridge height of 8.6m. The dwelling will be finished with grey 'slate like' roof tiles, upvc rainwater goods, facing brick with smooth render where shown, upvc windows and black hardwood external doors.

House Type B is a substantial family dwelling and will be finished as above. This dwelling will have an overall frontage of 13.5m, a gable depth of 12.2m (not including the ground floor returns) and a ridge height of 9.04m. House type B will be positioned within the site so that the gable presents to the access road within the development.



House Type A



House Type B

Boulevard Park typically positions dwellings facing southwards with gables presenting to the road as is shown in the current development. The design and layout of the proposal is considered to be in keeping with the character of the existing development.

Residential Amenity

The Planning Authority raised concerns regarding the initial layout of the development with the agent / developer on the grounds that it would have had an impact on the residential amenity of the adjacent dwellings, particularly those at Nos 26-34. Subsequently the scheme has been re-orientated to ensure that there is sufficient separation distance between the existing and proposed i.e. the proposed dwellings are now located approx. 16m from those at Nos 26-34 and are presenting to each other with front elevations. The arrangement ensures that there is minimal overlooking into the existing and proposed properties and also ensures that the private amenity spaces of the proposed dwellings are not overlooked by existing properties as was initially the case.

The separation distance, taking into consideration the sun-path means that existing dwellings will not appear dominant, nor is there considered to be any loss of light to existing properties.

Overall the proposal is considered to respect the residential amenity of the existing neighbouring properties.

In terms of provision of private amenity space within the proposal, each dwelling has been afforded an area of private garden to the rear of the properties. House Type A will have 72sqm while House Type B will have 98sqm both are considered to be satisfactory. A 1.8m high brick garden wall will provide the necessary screening for each garden area, in addition to provide a pleasing aesthetic for the development.

Landscaping

A detailed landscaping scheme has been provided – see Drawing 13-19-90-P04 Rev C. The proposed development will be defined with a mix of boundary treatments e.g., timber and estate fencing and brick walls, all of which will be softened with tree, shrub and ornamental planting all of which is considered to be acceptable.

Road Safety & Parking

The proposal intends to create a new access onto the public road serving Boulevard Park. PPS 3 – Access, Movement & Parking is therefore applicable.

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

(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

(B) The proposal does not conflict with Policy AMP 3 Access to Protected Routes

In consideration of this matter a lengthy consultation was undertaken with DfI Roads, to which no objections have been received subject to a number of conditions which are detailed below.

In assessment of the parking provision, 4 spaces have been provided 2 each per dwelling. This is considered to be adequate and appropriate.

DES 2 – Townscape (PSRNI)

While the site is not located within the settlement limit of Newcastle, the principle of housing on this site is considered acceptable given the unique circumstances of the site and its current relationship to the surrounding lands uses. As such, the proposal will have an impact on the townscape of the Newcastle and DES 2 is therefore considered material.

The above assessment of land use, design and amenity, shows that the proposal is in keeping with the thrust of DES 2 and approval of the proposal would not have a detrimental impact on the setting, character, townscape of this part of Newcastle.

Flooding

A review of DfI Flood Maps NI indicates that the site is not located within an area known for flooding. Any issues with surface water should be addressed by the developer. Given the scale of the development a drainage assessment is not considered to be necessary.

Natural Environment

There are no known protected habitats or species associated with the site that would be compromised by the development if permitted. The proposal appears in general compliance with this policy criteria.

The proposal site is approximately 190m from the boundary of Murlough SAC.

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

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.

There are no pollution pathways to the designated site.

Northern Ireland Water – Sewer Network and Water Supply

In assessment of this, the Planning Authority consulted with NIW who have advised that they have no objections to the proposal subject to conditions.

Assessment of Objections

Summary of issues raised

Objectors to the proposal are concerned about the impact of the proposal on their residential amenity, in terms of overlooking, loss of privacy and light.

In addition, there are concerns that the proposal is out of character with the existing street scape.

Neighbouring objectors were of the understanding that the site was to be used for parking / amenity areas within the development and are aggrieved that this is not now proposed.

In terms of parking and road safety, residents are concerned that the approval of this development will exacerbate existing problems.

As detailed above, the proposal, as amended, is considered to be in keeping with the character, design and layout of Boulevard Park. The dwellings have been amended to ensure that there is sufficient separation distance between them and the existing dwellings so as not to create any detrimental impact in terms of overlooking for both. The dwellings are also sufficiently separated so as not to result in any loss of light.

In assessment of the impact of the proposal on road safety the Planning Authority consulted with DfI Roads, who following a detailed consideration of the case, found no objections.

In terms of car parking, sufficient provision has been made for residents. The proposal should not therefore affect the existing parking provision within the development.

In assessment of the resident's assumption that the site would not be developed for additional housing and would in fact be amenity space or additional parking for the development, a review of the planning history of the site reveals multiple applications have been approved on the site as listed below.

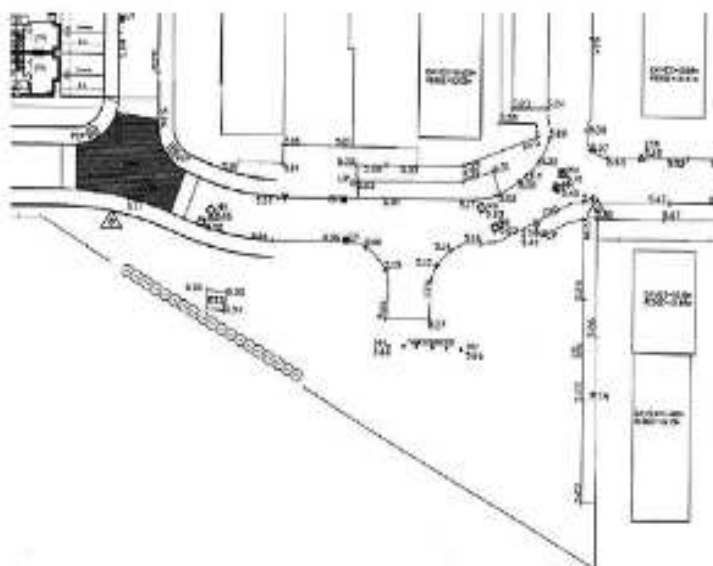
- R/2000/0509/F Residential Development Amended Scheme (29 town houses and 36 apartments) – Approved 26.07.2022
- R/2003/0888/F Development of 60 Houses – Approved 21.09.2005
- R/2010/0883/F Part Change of road in front of units 20-23 from adopted parking to in-curtilage owner parking – Approved 09.06.2011
- R/2014/0145/F Erection of 50 Dwellings (12 detached and 38 semi-detached (change of house types previously approved under 2004/A563 and R/2003/0888/F including car parking and landscaping – Approved 25.02.2016

In light of this, it must be highlighted that while R/2003/0888/F and R/2010/0883/F were approved with an alternative layout and parking arrangement, only applications R/2000/0509/F and R/2014/0145/F, as confirmed by the applicants agent Coogan & Co, have been implemented on site.

The stamped approved layout for R/2000/0509/F does not show the land adjacent 26-34 Boulevard Park, as designated for parking or an amenity space for the Boulevard Development, it is shown as a vacant space with a turning head and is noted to be annotated with the following "turning access to potential future phase". See image below.



Similarly in R/2014/0145/F the stamped approved layout which has been implemented by the developer did not show a parking / amenity space area as thought by neighbours or residents of Boulevard Park. It also shows the land adjacent Nos 26-34 as vacant with a turning head as shown below.



It is acknowledged that the planning history of the site is complicated and while it will be disappointing for neighbours of the site to note that a parking and amenity space will not be provided within the proposed site, the developer none the less has implemented correctly the permissions he has chosen to.

Drawings

The drawings considered as part of this assessment and those that are recommended for approval are as follows

| | |
|---------------------------------------|-------------------|
| Site Location Plan | 13-190-P01 |
| Concept Statement Plan | 13-190-P02 Rev C, |
| Site Layout Plan | 13-190-P03 Rev C, |
| Landscape Proposal | 13-190-P04 Rev C, |
| House Type A Elevations & Floor Plans | 13-190-P08 Rev A, |
| House Type A Elevations | 13-190-P09 Rev A, |
| House Type B Elevations | 13-190-P10 Rev A |
| House Type B Floor Plans | 13-190-P11 Rev A |
| House Type B Elevations | 13-190-P12 |
| Context Elevations | 13-190-P13 Rev B |

Summary of Recommendation

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

The application is referred to the Planning Committee for determination under the Councils Scheme of Delegation given the number of objections received and the recommendation to approve contrary to the Development Plan.

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 13-190-P01, 13-190-P02 Rev C, 13-190-P03 Rev C, 13-190-P04 Rev C, 13-190-P08 Rev A, 13-190-P09 Rev A, 13-190-P10 Rev A, 13-190-P11 Rev A, 13-190-P12, 13-190-P13 Rev B.

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

3. **NO WORK SHALL COMMENCE** on site until the appropriate Abandonment Order has been agreed in writing with DfI Roads and a copy of the Order has been provided to the Planning Authority.

Reason: To ensure an orderly development of the site

4. **PRIOR TO THE COMMENCEMENT OF ANY OTHER DEVELOPMENT HEREBY PERMITTED** the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 13-190 P03 Rev C bearing the date stamped 04/08/2022.

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

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

5. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 05 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing No 13-190-P04 Rev C. The works shall be carried out **PRIOR TO THE OCCUPATION OF ANY PART OF THE DEVELOPEMNT**. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree,

shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

7. **NO DEVELOPMENT SHALL BE COMMENCED** a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

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

8. **PRIOR TO OCCUPATION** a formal water / sewer connection application must be made for all developments, including those 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.

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

Reason: In the interests of visual amenity.

10. **DEVELOPMENT SHALL NOT BE OCCUPIED** until the surface water drainage works **AND** foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: To safeguard the site and adjacent land against flooding and standing water and in the interest of public health

Case Officer Signature: Claire Cooney

Date: 7th August 2023

Appointed Officer: A.McAlarney

Date: 07 August 2023

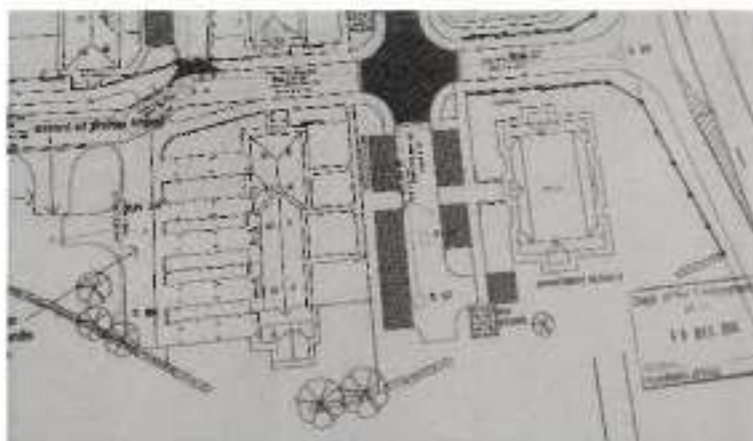
- The height of the larger proposed dwelling is 2m higher than the existing dwellings closest to them. That equates to a full storey. There is absolutely no reason why a two storey building cannot respect the scale of the surrounding 2 storey buildings, in particular those constructed within 16m of the proposed build. See screenshot below.



- It should also be noted that the original proposal for this house was 3 storey and resulted in approx **500m²** of footprint over the 3 floors for a single dwelling in this housing estate. See application image.



- On street parking will impede the proposed 2m x 33m visibility splays associated with the development. If these parking spaces are being used, traffic will not be able to exit the development safely. There is already a significant shortfall of parking in the development as a whole.
- The area of the application site closest to 26-34 Boulevard Park was proposed in a previous planning application for in-curtilage parking and front gardens associated with 26-34 Boulevard Park. See drawing above. This parking has never been provided for these houses, and now the developer wants to profit further and build additional houses on the plot. The existing residents of 26-32 currently have to park in the parking provided for the roadside apartments, and have to walk around the entire block to get to their front door.



We would appreciate if the committee would consider these objections and ask the planning department to take another look at this proposal which we believe is completely out of character in the area. We are not in objection to the development to the site at all, but feel the scale of the proposal is not in keeping for a two storey dwelling in this location.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1273/O

Date Received: 07.07.2021

Proposal: The application is for outline planning permission for a dwelling and garage on a farm.

Location: The application site is described as 227m South of 52 Holly Park Road, Ballygoskin, Crossgar.



Site Characteristics & Area Characteristics:

The site in question is a piece of land cut out of a larger agricultural field located roadside along the Holly Park Road, Crossgar. The site is reasonably flat though there are changes in levels throughout the site. The site is bounded by the north, east and west with mature boundary hedging that helps screen the site from the road at present to a degree. The site is in use as an agricultural field and on the day of the site inspection was in rich pasture.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty. No further site constraints have been identified within the site.

Site History:

There is no relevant site history on the site outlined in red however some planning history has been identified on the lands submitted on the associated farm maps and this is outlined below.

R/1994/0775/ - adjacent to 163 Derryboye Road, Crossgar – dwelling – withdrawn – 13.12.1994.

R/1982/0531 – near 163 Derryboye Road, Crossgar – bungalow and garage – granted – 12.06.1985.

R/2009/0506/RM – 127 Derryboye Road, Crossgar – replacement dwelling – granted – 16.07.2009

R/2006/1337/O – 127 Derryboye Road, Crossgar – replacement dwelling and garage – granted – 10.09.2007.

LA07/2017/0061/O – Mr Andrew Gibson – 70m NE of 195 Clay Road, Crossgar - 2 dwellings on infill site – refused – 10.05.2017

Planning Policies & Material Considerations:

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 10 dwellings on Farms
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

Consultations:

DAERA was consulted in relation to the application and responded stating that the farm business identified on the P1C form had been in existence for a period of more than 5 years and the applicant was in receipt of some sort of farm payments.

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

DFI Roads was also consulted in relation to the application and responded with no objections in principle subject to conditions.

Objections & Representations:

In line with statutory requirements the application was advertised in the local press on 04.08.2021 which expired on 18.08.2021, no neighbour notifications were required and to date there have been no representations received in relation to the application.

Consideration and Assessment:

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

There is no disagreement in policy provision between SPPS and PPS 21 in terms of dwellings on farms therefore CTY 10 Dwellings on Farms is given consideration. 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.

DAERA was consulted as part of this application and has responded stating that the farm business has been in existence for a period of 6 years or more and that farm payments are being claimed. This is sufficient to demonstrate that the farm has been active and established for a period of 6 years or more. On the day of the site inspection the ground appeared to be in agricultural use and in good condition.

(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.

A planning history has been carried out on the lands identified as being the farm holding on DAERA farm maps and while some planning history has been found as indicated above there is nothing to suggest that there have been any sell offs from the holding within ten years of the date of application. Q5 of the P1C form has been completed to indicate that no development opportunities have been sold off from the farm holding. It came to light during the processing of the application that the dwelling the farm was registered to had been sold off but this was after the application has been made, this is covered later within the report.

(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.

The site chosen is part of a larger agricultural field and there are no buildings of any sort at the location of the site. The site is cut out of a larger agricultural field and is bounded by mature planted hedging. There currently is no access serving the site other than an agricultural field

gate into the whole field. This aspect of planning policy has not been adhered to as the dwelling does not cluster or visually link with any buildings on the farm.

The agent was given the opportunity to comment in relation to the lack of buildings at this site and to confirm where buildings are on the holding.

The agent has confirmed that a number of fields are taken in conacre and are associated with the business but not owned by the applicant. Lands owned include fields no's 095/7, 180/1, 3, 4, 5, 6. A history search carried out on these lands did not find any planning history for agricultural or residential development associated with the applicant.

It does not appear that any development opportunities have been sold off from the holding up to the time of the application. It is noted that during the processing of the application it came to light that the applicant had sold off the dwelling the farm business was registered to.

The house at 125 Derryboy Road was sold off on 28th September 2021, which notably is after the date of application. The agent advised that the farm has temporarily been registered to no 127 Derryboy Road where it is noted that there is a site and buildings and land that has been sold off recently but that the applicant claims is rented and otherwise not associated with the farm business. It would be noted that it would not be normal practice to link a correspondence address to a property of which only land is rented. That said there is nothing in the planning history or land registry information examined to connect the two.

The agent stated on the P1C form that there are currently no farm buildings on the site and that the site chosen has been chosen as it is a small field with well established boundaries and it will not disrupt other field sizes.

The agent also states that land at Derryboy Road is not suitable due to flooding in the area and potential issues with access. The agent also comments that land at Holly Park Road and to the north of 41-51 Derryboy Road is not suitable due to topography of the lands and disruption to adjacent dwellings.

None of the arguments put forward are considered compelling however as the agent claims there are no buildings owned at any of the other parcels of land no site contains the ability to fully meet with policy requirements.

The site chosen does not meet with the requirement of policy as the new building is not sited to cluster with an established group of buildings on the farm and there is no policy provision to allow for deviation from this aspect of policy except for in such circumstances for:

- health and safety reasons
- verifiable plans to expand the farm business at the existing building group.

Policy states that exceptionally consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the farm and out farm and where there are demonstrable health and safety reasons or verifiable plans to extend the farm business at the existing group of farm buildings, it has not been demonstrated that this is the case.

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

(a) it is a prominent feature in the landscape.

The site in question is part of an agricultural field located off the Holly Park Road, the site in question is currently an agricultural field and there are mature field boundaries to the front and rear of the site. The front boundary would be required to be removed in part to accommodate the sight splays. The North of the site can make use of an existing mature boundary also. Although the site can make use of existing boundaries it is roadside development and is on visible lands with little by way of an immediate back drop. If a dwelling were to be approved at this location it would have to be a modest single storey dwelling with a maximum ridge height of 5m from finished floor and even at that development at this unspoilt roadside site would be considered to be likely to be a prominent feature within the landscape and change the character and appearance of the landscape at this location.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

The site can make use of existing boundaries in terms of hedge rows however there is little else to act as screening or to provide enclosure at the site. The site is quite open and once the front boundary has been removed the site will be very exposed. Other than thick hedging there are no other elements of planting that provide a suitable degree of enclosure and a considerable amount of hedging will be required to be removed to provide sight splays. There is an insufficient natural back drop to accommodate the development.

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

It is considered that the development of this site would rely heavily on new planting for integration. The agent has advised that the applicant intends to develop the area adjacent to the dwelling, if approved, as the farmyard and whilst this would be subject to separate permissions it has to be acknowledged that this is a dwelling on a farm and with that may come the request of additional development.

Taking the application at face value, for a dwelling and garage only it is considered that the site would rely primarily on new landscaping for integration and that new landscaping would take years to become established given the limited planting on site at present.

(d) ancillary works do not integrate with their surroundings.

Ancillary works would have the potential to pose the same issues as the dwelling itself as again the site is a relatively open roadside site, however there is the potential to keep the access lane short and to use an existing boundary to take it along and other ancillary works such as the provision of water, electric and septic tank arrangements can be provided without causing detrimental impacts on the surroundings.

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

As this is an outline application no design or notional site layout has been put forward however it is noted that given the concerns above about the potential for impact at the site should this

application be approved it would be on the basis that the dwelling would have a maximum ridge of 5m from finished floor level and the design would have to respect the character of the existing area and maintain a modest design that would have a limited visual impact. Given the lack of planting and the exposed site concerns remain to weather or not this can be achieved.

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

The site slopes gradually from the road in part and would require an element of infill to level the site to road level or thereabouts. There is limited vegetation and no buildings or natural features for the development to benefit from in providing a back drop. The site is on relatively low lying lands but is also a piece of open, unspoilt countryside and to develop the site would have a negative impact on the character of the rural area in general.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As noted previously within this report an open site has been chosen with no other buildings in close proximity or site to cluster or group with any other buildings on the farm. This aspect of policy has not been met.

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

(a) it is unduly prominent in the landscape.

The siting has not been considered as acceptable previously within this report as apart from the natural field boundaries that are kept cut there is little else by way of ability to integrate into the landscape and therefore it is considered that the disturbance of this open site would result in a building being unduly prominent and exposed within the rural landscape and is therefore not considered to be acceptable.

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

There are no other buildings immediately adjacent to the site in question, there are other dwellings and buildings visible from the site but the development of this site would not alter the character of the area in a way that would result in a suburban style build up of development.

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

Single dwellings are commonplace in the rural area therefore in general it cannot be argued that it would not respect the pattern of development in that regard. It would not however respect the traditional pattern of development in the sense that rural sites are generally selected where they can make use of natural features and existing planting to accommodate and integrate a dwelling and associated works and in this case an exposed site has been selected which is not respectful of traditional methods of site selection and contravenes current policy.

(d) it creates or adds to a ribbon of development (see Policy CTY 8)

With no buildings either side of the site and no existing ribbon of development along this section of road it is not considered that the dwelling could add to or create a ribbon of development in this instance.

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

It is not considered that the ancillary works would negatively impact on rural character as previously stated within the report, it is the build development and loss of undisturbed agricultural land that will cause detriment at this location.

Recommendation:

REFUSAL

Reasons for Refusal:

- The proposal is contrary to SPPS and Policy CTY10 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm and no health and safety reasons or verifiable plans for expansion of the farm business have been advanced to justify the exceptionality clause.
- The proposal is contrary to SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling, would if permitted, be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would be unduly prominent in the landscape and would not respect the traditional pattern of development exhibited in that area.

Case Officer Signature: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 14th July 2023.

14 August 2023

page 1/2

Re: Dwelling & Garage on a Farm - Holly Park Road, Crossgar

Planning Application reference: LA07/2021/1273/O

The farm holding straddles the Derryboy Road at the Holly Park Road and Clay Road junction and includes outlying land to the east along the along the Derryboy Road.
There are no buildings, either dwelling or farm buildings, on the land.

We need to build a farm house, on the land we own, from which we can operate our farm business.

No objections from : Neighbours
 DAERA
 NI Water
 DFI Roads

Regarding Planning Policy 21 – Sustainable Development in the Countryside –

CTY10 – Dwellings on Farms:

- (a) The farm business has been confirmed as active and this has been supported by DAERA and confirmed in the planning case officers report.
- (b) No dwellings or development opportunities have been sold off as confirmed in the planning case officers report.
- (c) The policy states – ‘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 from an existing lane’.

There are no buildings on the farm holding therefore the exceptional clause for an alternative site is relevant.

The refusal recommendation states - no health and safety reasons or verifiable plans for the expansion of the farm business have been advanced to justify the exceptionality clause.

However, these two items refer specifically to the existing building group.

If there is no building group it is not possible to give reasons for not building beside a building group.

We have proposed the current site for practical farming reasons:

- The proposed site has been chosen because land at the Derryboy Road is subject to flooding as confirmed on the NI flood maps and the relevant entrance sight lines cannot be achieved within the limited frontage.
- Land at Holly Park Road north of 49 – 51 Derryboy Road is not suitable due to the steep topography and disruption to adjacent dwellings.

CTY 13 - Integration and Design of Buildings in the Countryside

The proposed site is located on the minor Holly Park Road with very limited views only from the Derryboy Road from the east when traffic is passing at speed. The proposal is single storey and will not be prominent as there will only be limited view when passing the frontage on the Holly Park Road. The site location has long established boundaries with strong mature hedges which can be allowed to grow and new planting added to increase enclosure.

CTY 14 – Rural Character

The planning report states - the development of this site would not alter the character of the area in a way that would result in a suburban style build up of development.

The proposal is for dwelling on a farm from which the applicant will operate and run the farm business. Traditionally farmhouses are not located adjacent to residential properties due to the nature of the operation of an active farm and will generally be found remote from neighbouring buildings.

As stated there are valid reasons why the exceptional clause is justified and the recommendation should be reconsidered.

Andrew Gibson



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1261/F

Date Received: 09.08.2022

Proposal: **Proposed side extension to dwelling and new vehicular access.**

(Note: The description was amended as the case progressed. The original proposal included a first floor extension, however this has been omitted and the design reduced to single storey).

Location: **54 Majors Hill, Annalong, Kilkeel BT34 4QR**

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located outwith but adjacent to the settlement development limit of Annalong as designated in the Banbridge Newry and Mourne Area Plan 2015 (3/01 Newry and Mourne District). The site is located on unzoned land within the Mourne area of Outstanding Natural Beauty (AONB).

1.2 The dwelling on the application site is a derelict single storey dwelling which is currently boarded up. There is a pedestrian access from Majors Hill which gives access to the application site. There is currently no vehicular access. Within the curtilage of the application site is a small garden which is currently accessed via a pedestrian access from the side return of the dwelling. There are a couple of trees within this garden. The site is enclosed and bounded via a mixture of elements to include a wall to the front of the dwelling partially with a hedge on top and mourne stone wall to the sides and rear of the application site.

1.3 The following images depict the current layout of the application site and dwelling located on site. Image 3 illustrates the proposed layout of the application site and vehicular access proposed. As illustrated in image 5 it can be seen that the proposal incorporates a side extension that is single storey.

Image 1 Photograph of the application site from Majors Hill



Image 2 Photograph of application site from Majors Hill (Google Maps)



Image 3 Proposed Site Plan

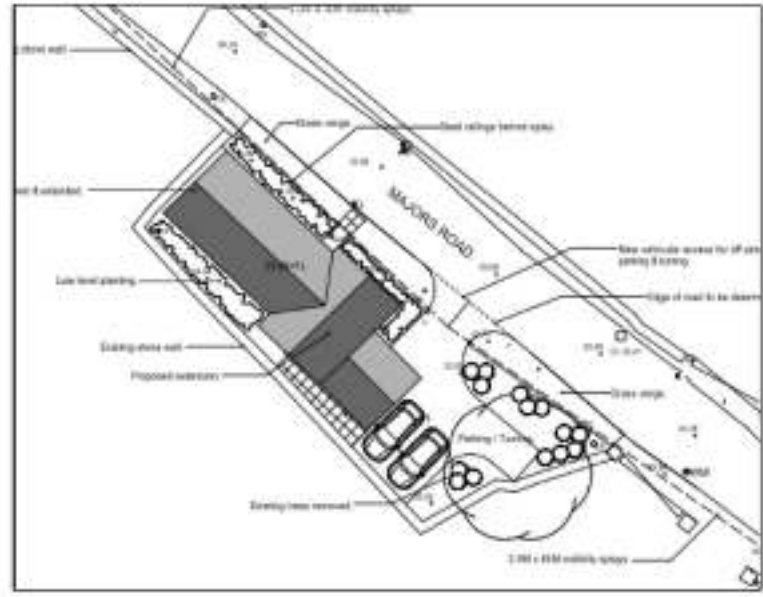


Image 4 Existing Elevations (Extract)

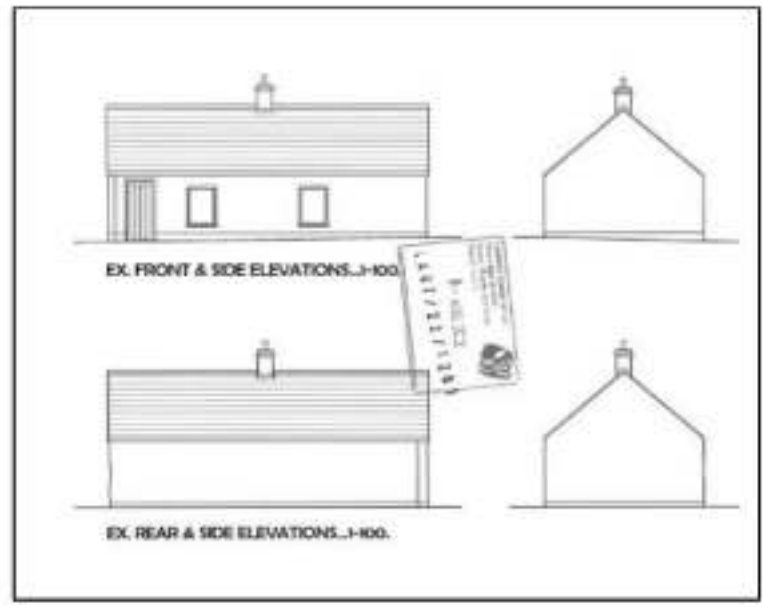


Image 5 Proposed Elevations (Extract)



2.0 Planning Policies and Material Considerations

2.1 The Planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- Building on Tradition Sustainable Design Guide
- PPS 2 Natural Heritage
- PPS 7 (Addendum) Residential Extensions and Alterations Policy EXT 1 (March 2009)
- PPS 21 Sustainable Development in the Countryside (June 2010)

3.0 Site History

3.1 The planning history of the application site is set out in the table below.

3.2 Planning History Table

| Reference | Location | Proposal | Status |
|------------------|--|---|---------|
| LA07/2020/1204/O | 54 Majors Hill, Moneydorrugh More, Annalong, Killeel, BT34 4QR | Proposed 2 storey replacement dwelling (amended plans and information received) | Refused |

4.0 Consultations

4.1 Consultations were issued to the following consultees:

- NI Water – Content with the application as presented. This is subject to both standard and specific conditions.
- DFI Roads – Responded to their consultation response on the 16th September requesting a variety of further information to include the extension to red line to provide sight visibility splays and details of parking and turning within the site. DFI Roads were reconsulted and responded on the 30th March 2023 setting out that the application is unacceptable as submitted and that insufficient information is available on transportation issues. DFI Roads again requested further information to include:
 - An amended 1/2500 scale plan clearly extending the red line to the north western side and south eastern side of the existing site in order to achieve the required sight visibility splays of 2.0m x 60m in both directions.
 - An auto tracking plan demonstrating how a car can enter park and exit the proposed site with second car parked.
 - The proposed plan will have to denote the road/verge widths existing along the site frontage with existing road width and verges being maintained as a minimum.

- 1/500 drawing showing existing stone walls and pillars set back within the required sight lines of 2.0m x 60m in both directions.

4.2 DFI Roads attached refusal reasons as previous information that was requested had not been submitted. This is further elaborated upon within section 5 below.

5.0 Objections and Representations

5.1 3 neighbours were identified to be notified. The application was advertised in the local press on the 31st August 2022. One comment was received. The comments contained within this email are as follows:

- The ... Agent have stated there is 2, 1 1/2 and single storey either side in fact bungalows either side sitting in off the road and not at road edge.
- ... large agricultural sheds there's none at road frontage
- They have stated that this stretch of road is narrow with no footpath for pedestrians
- Opening a new vehicular access out onto a narrow stretch of road which has practically no sight lines at road edge into incoming vehicles which are speeding up leaving the thirties and not slowing for thirties sees like madness.
- Stating there was street parking along the roadside the occupants never had any vehicles registered till the property so there was no roadside parking.
- The house has been vacant since early 80s lying unoccupied and derelict so volume of traffic passing by this property on this narrow stretch of road has greatly increased over the years so allowing blind access or street parking would cause significant road safety for road users and pedestrians.
- The impact of first floor extensions to cottage at road edge would not blend in with countryside landmark which it is.

Note: The description was amended as the case progressed. The original proposal included a first floor extension, however this was amended and the design reduced to single storey. Having account the reduced nature of the proposals it was not considered necessary to RE NN/Adv.

5.2 Those comments (upon which are relevant to Planning) will be considered during the assessment of this application below.

Correspondence with Agent/Applicant

5.3 An email was issued to the Agent on the 2nd December 2022 setting out that that the Planning Department has significant concerns with the validity of the Planning Application. Within this email the Agent was directed to paragraph A6 of PPS 7 Addendum Residential Extensions and Alterations. The email further set

out that whilst the Planning Department acknowledge the dwelling is restricted and are amenable to a larger extension; it is considered that the height, scale and massing are unacceptable. The Planning Department would request that the proposal is substantially reduced.

5.4 The Agent submitted further revised drawings on the 13th December 2023, for Planning and DFI Roads, whereby DFI Roads were reconsulted. Following a response from DFI Roads being received a further email was issued to the Agent (6th April 2023) setting out the requirements for DFI Roads. The Agent responded to the email (6th April 2023) rebutting DFI Roads request. A response to the Agents email was provided on the 6th April 2023 setting out that due to the access being a new access it must be to current standards as outlined by DFI Roads. The Agent was given a deadline of the 21st April to submit any further information and to outline intentions. No response was received to date 12th June 2023 and thus the application has proceeded to assessment with this information lacking.

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 application site is located outwith any defined settlement limit as designated in the Banbridge Newry and Mourne Area Plan (Map 3/01 – Newry and Mourne District) and is located within an Area of Outstanding Natural Beauty. There are no specific policies in the Plan regarding the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS) 2015

6.2 As there is no significant change to the policy requirements for the proposed use following publication of the SPPS, the retained policies of PPS3 and the addendum to PPS7 will be utilised. These policies will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Building on Tradition Sustainable Design Guide

6.3 Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Whilst there is no direct guidance in relation to extensions to properties there is varied guidance contained within the document which is relatable to all proposal's guidance includes *new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building*. Paragraph 3.7.1 further sets out that new elements should blend with existing structures having regard to the following qualities: *Appropriate siting, appropriate height and massing, compatible scale and a choice of materials and colours should complement the surrounding context*. Paragraph 3.7.2 states *the height, width and general size of an extension should be integrated so as not to dominate the character of the existing structure*.

PPS 2 Natural Heritage

6.4 Policy NH6 states that planning permission will only be granted where the proposal is of an appropriate design, size and scale for the locality.

6.5 In assessing the application against these policies it is considered that the nature of this application does not dispute the meaning or heart of the policies. The dwelling, curtilage and landscaping are already established on a long term basis on the application site. The application is for an extension to the dwelling and vehicular access; it is therefore considered that the proposal would not adversely affect the designations set out above and would not cause any demonstrable harm. The proposal is therefore considered compliant with PPS2.

PPS 3 Access Movement and Parking

6.6 As part of the application a new access is proposed. Policy AMP 2 Access to Public Roads and AMP 7 Car Parking and Servicing Arrangements have been identified as the relevant policies with regards to the application. DFI Roads were consulted with regards to the above and made comment as to what was required. DFI Roads have since provided refusal reasons.

This application and proposal involves the creation of a new vehicular access to a dwelling which has no evidence of previously incorporating a vehicular access to serve the dwelling. This dwelling has been unoccupied and boarded up for many years, and has never had a vehicular entrance. Despite the agents claims that the provision of off-street parking and a vehicular entrance will be a betterment, any new vehicular entrance must meet the current standards. A sub standard entrance creates a road safety issue and hazard. DFI Roads require splays of 2m by 60 in both directions, which the applicant cannot achieve.

The Planning Department would agree with DFI Roads conclusions and recommendation.

PPS 7 (Addendum) EXT1: Residential Extensions and Alterations

6.7 Policy EXT1 of PPS7 (Addendum) states that permission will be granted for a proposal to extend or alter a residential property where specific criteria are met.

The application is for an extension to the side which also extends marginally forward and back of the footprint of the existing building. The extension will extend from the current side return by approximately 8.5m (the current extent of the dwelling is 10.3m in length). The extension will have a maximum width of 6.5m.

Scale Massing and Design

6.8 As set out above the extension is to be contained within the existing curtilage of the dwelling. The extension is to extend approximately 8.5m in length from the side return of the dwelling and have a maximum width of 6.5m. The footprint extends marginally forward and back of that existing, and will include a forward projecting gable to the front, and lower return to the side.

6.9 The proposal has the following proposed finishes:

- Roof – Concrete Tiles

- Walls – Smooth Render Plaster with Paint finish & Natural Stone where indicated
- Windows – UPVC
- Doors – Composite
- Gutters & Downpipes - PVC

6.10 The proposal incorporates new windows to the rear elevation of the existing part of the dwelling. Given the current restrictions and size of the existing dwelling on site it is considered that an extension of this size and scale is considered appropriate in order to allow for it to accord to modern living standards. The proposal would create a modest sized dwelling with two bedrooms, one bathroom, a small toilet, kitchen/dining, living and utility room with some storage in the form of a larder. It is considered that the scale, massing and design are appropriate.

Impact on the Character of the Surrounding Area

6.11 Within proximity to the application site there are a number of dwellings the majority of which are single storey in form with upper floor conversions. It is considered that the dwelling under assessment is a minimal in size currently and thus an extension to said dwelling would not adversely impact the character of the area. It is considered that the surrounding area can absorb the extension without unduly harming the surrounding area.

Privacy/Overlooking

6.12 Having studied the proposed extension it is noted that there are two windows to the side gable on the extended portion of the dwelling with nearest neighbouring receptor at number 52a. During a site inspection it was noted that there is an intervening laneway. Furthermore, the building line of the proposed extension would not be overlooking any private amenity space and is considered to be sited a sufficient distance from the neighbouring property. Additionally, it is proposed that beyond the extension to the side return would be a parking area and therefore there is space between the side return and edge of the curtilage of the dwelling. It is considered that there would be no issues with unacceptable overlooking or privacy to neighbouring dwellings as a result of the development, due to the characteristics of the site.

Dominance/Overshadowing/Loss of Light

6.13 Having regard for the current positioning of the dwelling, proposed extension, positioning of the laneway, distance from neighbouring receptors, the building line, as well as intervening features it is considered that the proposed extension would not cause any unacceptable impacts to the amenity of the dwelling house currently nor the neighbouring receptors. It is considered that the proposal would not cause any demonstrable harm by way of dominance, overshadowing nor loss of light as a result of the proposal.

Loss or Damage to Trees/Landscaping

6.14 The site plan illustrates the removal of trees within the curtilage to provide for parking. It is considered that this would not cause demonstrable harm of

significance to the local environmental quality as proposed planting and trees are proposed as part of this application.

Impacts on Amenity space within the Curtilage of the property

6.15 There is minimal amenity space currently within the curtilage of the site. It is proposed to create a small area to the rear of the property and retain some amenity space currently visible at the application site. Given the site constraints and the need for an extension to allow for a modern size of living accommodation it is considered acceptable.

6.16 Whilst the Planning Department would be amenable to the extension and believe that it would create a betterment to the site and allow for a dwelling of sufficient size and scale to be created through the extension of the existing dwelling on site it does not detract from the fact that the proposed parking arrangements and new vehicular access are considered contrary to policy. DFI Roads requested further information and the applicant/agent was afforded an opportunity to submit said information. Due to no further information being submitted; the application must be refused on the basis of DFI Roads comments and drawings available.

6.0 Recommendation – Refusal

6.1 Drawings in which the application relates to Site Location Plan 27907SW, DWG 2609/EX01, DWG-2617/PL01-B (Proposed Site Layout), DWG-2617/PL01-B (proposed elevations and floor plan)

6.2 Conditions

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays (of 2.0 metres x 60 metres) from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the -

- 1. parking**
- 2. turning**
- 3. loading and unloading**

- of vehicles which would be attracted to the site.

| |
|--|
| Case Officer Signature: Roisin McGrane Date: 12.06.2023 |
| Appointed Officer Signature: M Keane Date: 12-06-23 |

JOB REF 2617

ITEM 16

LA07/2022/1261/F

4 MAJORS HILL, ANNALONG

1. Roads have treated the application as if it were a new site for a dwelling and in so doing imposed the required criteria for an access to a new dwelling. The dwelling herewith exists and Planning have confirmed this and a have no objections to an extension. Clarification is required from Roads as to why the proposed betterment is not acceptable as opposed to the existing situation where at least 3 cars could park along the frontage of the dwelling on this stretch of narrow country road.

2. Clarification is required from Roads as to why the proposal would not be an improvement. They have stated that it would prejudice parking. Turning and loading and unloading yet at the moment all these activities would take place at the edge of a public road at great risk and inconvenience to pedestrians and road users.

This application does not have a specific Policy to be considered under. Roads have deemed it to be a new access to a new dwelling whereas we contend it is an improvement to an existing situation where all vehicles attracted to the dwelling park on the public road.

A common sense approach from the Committee is needed where they can deem the betterment to a poor situation outweighs Roads contradictory interpretation of the Policy they have quoted as refusal reasons.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1534/F

Date Received: 23.09.2022

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

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

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located on the Drumlough Road approximately 2.3 miles south west of the settlement development limit of Rathfriland. The site has been screened for both natural and historic environment features. No designations or zonings have been noted. The site is flat. At the time of site visit an access to the site was observed along with footpath, the site was enclosed via a wall to the front and a fence to other aspects. It is evident that some foundations had been put in. The following extracts inset illustrate what was approved under the parent application and what is applied for under this application visually. Following on from this a number of site photos are included.

Image 1: Extract from Site Location Plan drawing number 9775-05 (application reference P/2007/0558/RM)

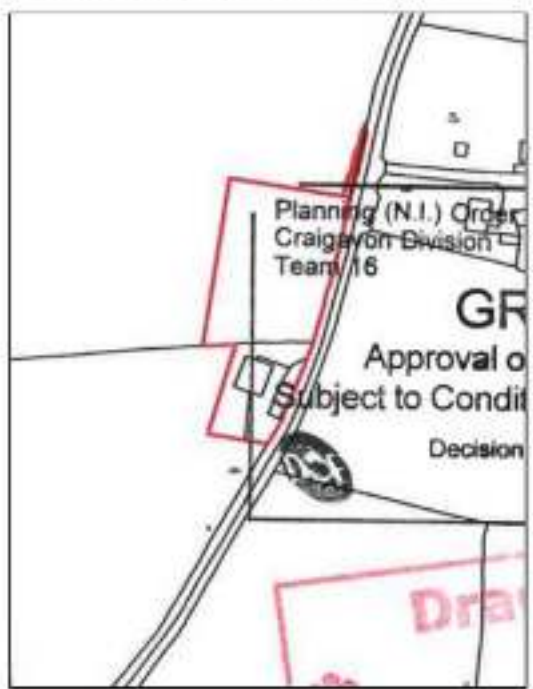


Image 2: Extract from Site Layout Plan drawing number 9775-04 (application reference P/2007/0558/RM)



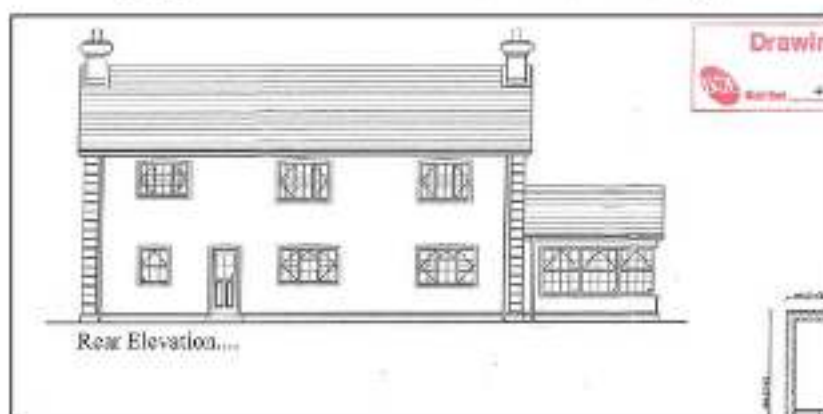
Image 3: Extract from Planning Drawings drawing number 9775-01 (application reference P/2007/0558/RM)



**Image 4 Extract from Planning Drawings drawing number 9775-03
(application reference P/2007/0558/RM)**



**Image 5 Extract from Planning Drawings drawing number 9775-02
(application reference P/2007/0558/RM)**



1.2 The dwelling approved is a two-storey dwelling with an integrated garage. The following insets are submitted and are to be considered as part of this application.

**Image 6: Extract from Site Location Plan (application number
LA07/2022/1534/F)**

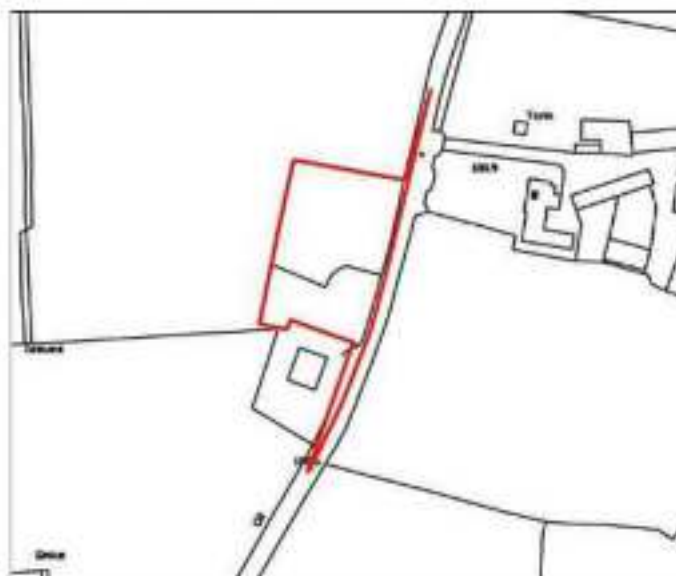


Image 7: Extract from Site Block Plan Drw J Fegan 4 (application number LA07/2022/1534/F)



Image 8: Extract from Elevations Drw J Fegan 2 (application number LA07/2022/1534/F)

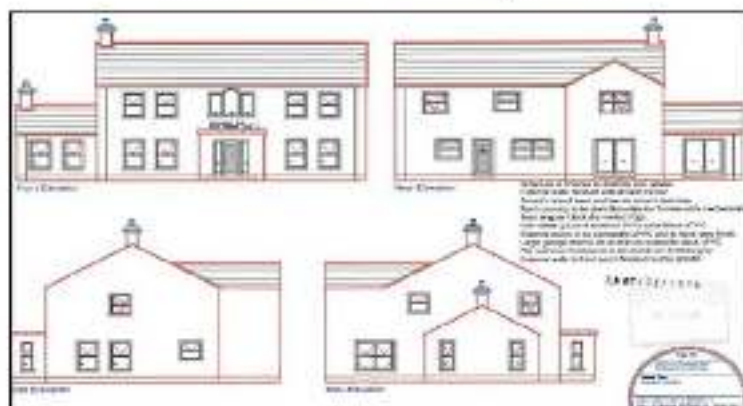


Image 9: Extract from Garage Elevations J Fegan 3 (application number LA07/2022/1534/F)

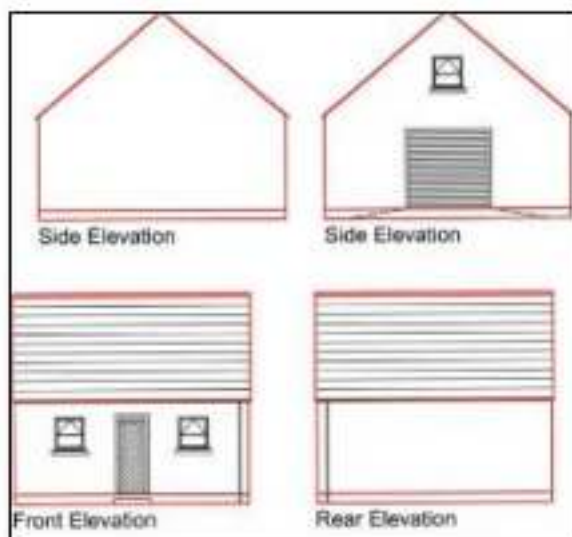


Image 10: Extract from Garage Elevations J Fegan 1 (application number LA07/2022/1534/F)



Image 11 Photograph taken whilst conducting a site visit (28.10.2022)



Image 12 Photograph taken whilst conducting a site visit (28.10.2022)



1.3 The above images are extracts taken from the drawings submitted to planning and to be considered as part of this application (LA07/2022/1534/F). In summary the changes as described above include:

- Change of position of the dwelling house
- Change of integral garage to stand alone detached garage
- Change of window pattern and removal of walled dormer
- Change of porch aesthetics/style
- Addition of a two floor extension to the rear
- Reconfiguration of floor plan
- Reduction of curtilage
- Change to access location and arrangement

Planning Policies and Material Considerations

2.1 This application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- Building on Tradition Sustainable Design Guide
- PPS3 Access, Movement and Parking
- PPS21 Sustainable development in the countryside

3.0 Site History

3.1 As set out in the table below there has been previous approval granted for an outline and reserved matters; reserved matters was applied for in 2007 under planning reference P/2007/0558/RM. Permission was granted on the 13th February 2008. Among the conditions of P/2007/0558/RM where the following pre-commencement conditions:

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

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

2. Development must not commence until 'Consent to Discharge of Effluent' under the Water (NI) Order 1999 has been obtained from the Environment and Heritage Service of the Department of the Environment.

Reason: In the interest of public health

3.2 It is noted from studying the previously approved reserved matters application that was approved, the current application upon which this report assesses as well

as a site visit and the study of aerials that the pre-commencement conditions were not undertaken. Furthermore, whilst it is noted an access was implemented and has been implemented from 2012 (visible on internal council GIS systems); this access is not in the correct placement thus it must be determined that whilst there are foundations in place. These are also not in the position approved, thus the Planning Dept consider the previous permission has not been lawfully commenced/enacted and has since lapsed/expired.

To reiterate, the pre commencement conditions have not been complied with or discharged, the access constructed is in a different place, while the foundations also in place are not in the approved location.

3.3 Planning History Table

| Reference | Location | Proposal | Status |
|----------------|---|-----------------------------------|-----------------------|
| P/1994/0380 | 80 metres south west of no 50 Drumlough Road, Rathfriland | Site for dwelling | Approved |
| P/1998/0950 | 80M SW of no 50 Drumlough Road, Rathfriland | Site for dwelling | Application Withdrawn |
| P/2000/0256 | Opposite No 50 Drumlough Road, Rathfriland | Site for dwelling | Approved |
| P/2003/2089/O | Opposite No 50 Drumlough Road, Lurganahone, Rathfriland | Site for single detached dwelling | Approved |
| P/2007/0558/RM | Opposite 50 Drumlough Road, Luganahone, Rathfriland | Erection of dwelling and garage | Approved |

4.0 Consultations

4.1 Three consultations were issued to DFI Roads, DFI Rivers and NI Water as part of this application. All consultees were content with the application as presented and provided conditions/informatives to be attached to any favourable decision on the application site.

5.0 Objections and Representations

5.1 Two neighbours were notified as part of this application. The application was advertised in the local press on the 12th October 2022. No objections have been received to date (30.06.2023).

Correspondence with the Agent

5.2 An email was issued to the Agent on the 2nd December 2022 which set out the Planning Departments concerns as to whether to previous planning approvals had ever been enacted on site. The Planning Department set out that both the access and foundations appeared to not have been implemented as approved and asked for the Agents comments in relation to this.

5.3 The Agent responded on the 14th December 2022, setting out that the structures that were approved and those on the ground do overlap and elaborated in an email that these overlap to an extent of 48%. The Agent further explained that the change in foundation placement was due to the levels of the site and should they have been placed correctly it would have resulted in rising walls approaching 1.8m. Further the Agent believes that the visual impact should the dwelling be built where said foundations are it would be discernible to the human eye.

5.4 With regards to the access the Agent states that the access has been constructed on site will lead to a safer access than that approved. The Agent sets out that moving the access closer to the bend in Drumlough Road increases forward visibility around the bend which will benefit road users on Drumlough Road and lead to a planning and road safety gain.

5.5 The Agent set out a number of cases upon which he believed to be similar circumstances to the Drumlough Road such as LA07/2016/1069/F, LA07/2016/1070/LDE and LA07/2018/1881/F.

5.6 The Planning Department have considered the Agents rebuttal and examples given, however, it must be considered that the application has not complied with the pre-commencement conditions of the reserved matters application and given the time that has passed it must be concluded that the reserved matters application planning reference: P/2007/0558/RM was never enacted.

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 application site is located outwith any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015 (Map 3/01). There are no specific policies in the Plan regarding the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS) 2015

6.2 As there is no significant change to the policy requirements following the publication of the SPPS and it is arguably less prescriptive than the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Building on Tradition Sustainable Design Guide for Northern Ireland

6.3 Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 6 on New Builds as well as the various design principles throughout the document are relevant to the proposal. Section 6 highlights how buildings can be designed to respect the natural landscape and contours as well as guidance on site boundaries.

PPS 21 – Sustainable Development in the Countryside and proposals

6.4 The previous applications of P/2003/2089/O and P/2007/0558/RM were approved in principle prior to the publication of PPS 21. However as stated the Planning Dept considers this permission was not lawfully enacted and has since expired. Thus there is no change of house type opportunity.

6.5. Notwithstanding the principle as outlined above, the Planning Dept has reviewed the change of house type design proposals and comments as follows.

The differences between both dwelling types are minimal with the roof dormer to the front of the dwelling removed, window pattern change and porch changes. Changes have been made to the rear elevation with a two storey rear extension proposed. Any major elevation changes and extension are to the rear. The dwelling proposed demonstrates the same height and width to the previously approved (lapsed permission) dwelling. The garage proposed is sited to the side of the dwelling and is subordinate in size.

Having considered the changes in full and studied the previously approved elevations with those proposed it is considered that the finishes and the design concepts of the dwelling are not dissimilar to that previously approved and any alterations would not have any significant increased impact on the character of the area than previously approved.

6.6 The current prevailing policy for a dwelling in the countryside is PPS21, and based on the information submitted together with the siting indicated it is considered the proposals do not meet any of the exceptions listed in PPS21 in respect of the principle of development.

Accordingly the proposals are considered to fail policy CTY1 of PPS21.

Notwithstanding the principle the Planning Dept are content the proposals, do not offend policies CTY13, CTY14 and CTY16 of PPS21.

Summary

6.7 In summary, whilst it is considered that the changes proposed to the dwelling to include elevational changes, aesthetic changes and change to the type of garage would not be detrimental to the character of the area and would be acceptable, the previous permission P/2007/0558/RM has not been enacted by virtue of its pre commencement conditions, together with the location of both the access and foundations, this permission has expired and the proposals do not meet any of the listed exceptions of current policy, and the principle is therefore not established.

Accordingly, Refusal is recommended.

7.0 Recommendation - Refusal

7.1 Drawings in which the application relates to Site Location Plan, JFegan 1, JFegan2, JFegan3 & JFegan4.

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.

Case Officer Signature: Roisin McGrane

Date: 30.06.2023

Appointed Officer Signature: M Keane

Date: 30-06-23

Application LA07/2022/1534/F. Change of house type and detached garage in substitution to the extant approvals granted under P/2003/2089/O and P/2007/0558/RM

The applicant began construction works on this site in January 2010. He began with the provision of sight splays in both directions, forming the access and stripping soil from the site. The planning department have accepted that these works were undertaken within the correct timeframe.

The case officer emailed me on 2nd December past. She advised that the access and sub-structures had been constructed in the wrong place. She asked for my comments re the position of the sub structures and access and gave me 2 weeks to make my submission. I provided a very lengthy response on 14th December setting out the reasoning as to why the applicant moved the access and sub-structures on site. I provided details of similar applications that had been approved by the planning department & Planning Committee in very similar circumstances. I also provided details of a successful enforcement appeal where a planning authority had taken enforcement action when it became aware that a dwelling had been commenced 10m away from its approved position.

Normally, I would have expected the case officer to compare the various scenarios to Mr Fegan's case. Instead, the planning department have raised a completely new issue which had not been mentioned in the officer's email of 2nd December.

Condition 8 on the RM approval required "*Development must not commence until 'Consent to Discharge of Effluent' under the Water (NI) Order 1999 has been obtained from the Environment and Heritage Service of the Department of the Environment*".

Mr Fegan didn't obtain consent to discharge before he commenced work.

Paragraph 5.6 of the officer's report for this applications advises "*The Planning Department have considered the Agents rebuttal and examples given, however, it must be considered that the application has not complied with the pre-commencement conditions of the reserved matters application and given the time that has passed it must be concluded that the reserved matters application planning reference: P/2007/0558/RM was never enacted*"

Despite the fact that consent to discharge is dealt with by legislation separate from the planning legislation, the planning department have latched onto the fact that the applicant did not obtain consent to discharge before he commenced work. Having read the officer's report, the applicant is very frustrated that I was not offered any opportunity to comment on this matter.

The outline decision granted via P/2003/2089/O defines the scope of Mr Fegan's planning permission. The 10 planning conditions set out in the outline permission make **no mention** of the need to obtain Consent To Discharge. It is a legal requirement that any application for the approval of reserved matters must be within the scope of the outline planning permission and must be in accordance with any conditions imposed on the outline permission. The PAC take a consistent view that conditions may not be stipulated in an approval of reserved matters which materially depart from the outline permission already granted.

In this case Mr Fegan obtained OPP for a *Site for a single detached dwelling* via P/2003/2089/O on 21st April 2004. The permission imposed 10 conditions. **None of the conditions mentioned the need to obtain Consent To Discharge.**

Informative no 6 **informed** the applicant that if he wished to use a septic tank that he needed to obtain written confirmation from the Environment & Heritage Service and the Environmental Health Dept in the local council. Informative no 10 also **informed** the applicant that an application to install a septic tank should be made to the EHD in NMDC.

Informatives are added to the bottom of a decision notice as guidance for the applicant/developer. They are not conditions & they are not enforceable. Informatives are the additional comments from a planning authority and they are added to **INFORM** the developer/applicant.

It is clear from comparing the outline and reserved matters decisions that the RM decision has elevated the need to obtain consent to discharge from being simply mentioned in 2 informatives on the outline decision to being the subject of a pre-commencement condition on the RM decision.

Condition 8 on the RM decision sought to bring about a more onerous situation for Mr Fegan. Condition 8 on the RM decision goes beyond the scope of the outline planning permission.

To summarise, condition 8 on the RM decision should never have been imposed. It is fundamentally wrong of the planning department to recommend this application for refusal on the basis of non compliance with a pre-commencement planning condition which should not have been there in the first instance.

In relation to the siting of the access and sub-structures on the site, it has already been explained to the planning department that moving the access closer to the bend in Drumlough Road has increased forward visibility around the bend which currently benefits road users on Drumlough Road. This is a planning and road safety gain.

There is a very significant overlap between the approved dwelling footprint and the constructed dwelling footprint. In fact the level of overlap in this case is greater than the level of overlap considered acceptable by the PAC and the council's own planning department when dealing with 2 extremely similar cases. Both the appeal and planning application were successful.

I will elaborate on the above during my short presentation. I will use overlay drawings to demonstrate the level of overlap between the approved and constructed footprints.

I will also be happy to take questions from the Committee on the matters I raise during my presentation.

Brendan Quinn.

BSc Hon's

ICIOB



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1313/O

Date Received: 17/08/2022

Proposal: 2 Storey Dwelling and Garage on an Infill site under Policy CTY8 of PPS21.

Location: Lands to the immediate East of 3 Bog Road, Killeen.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within as designated Area of Outstanding Natural Beauty.

The site is an area of land west of No 3 which is a one and a half storey dwelling set back from the public road with a laneway providing access to the public road, No 3 has a large shed and other smaller structures set to the rear of the property (the large shed does not appear to have the benefit of planning permission).

To the west of the site is a recently constructed dwelling positioned close to the public road, the application site is near triangular in its shape with a narrow frontage to the road with the site then widening further back from the road.

The site is located in a rural area although there are a number of properties in the vicinity and a playing field and associated buildings are located opposite the site.

Site History:

P/2010/1029/F - 37 Clontigora Road, Killeen, Newry - Proposed erection of rural detached double garage – Permission Granted 20/10/2010.

LA07/2022/0316/CA – 3 Bog Road , Newry – Unauthorised Large Shed – Current Case.

P/2005/0814/F - On Bog Road, 70 metres east of junction with Clontigora Road, Killeen, Newry – Erection of Dwelling – Permission Granted 16/06/2006.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections.

NI Water – No objections.

Objections & Representations:

The application was advertised on 14/09/2022, two neighbours were notified on 08/09/2022, 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 infill dwellings in accordance with policy CTY8.

Principle of Development

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The application site benefits from the recently constructed dwelling to the west which is considered to have a frontage with the public road. No 3 to the east of the site and its associated outbuildings is set back from the road which have an access point to the public road. As the curtilage does not extend to the public road, No. 3 does not benefit from a frontage to the public road and therefore cannot be considered as part of the requisite 3 buildings along a substantial and continuously built-up frontage, as required

by policy. Consequently, there is only 1 qualifying building (recently constructed dwelling) that shares a common frontage with the proposed site.

It is considered that the proposal respects the plot size of other development in the area, given that this is an outline application details of design have not been submitted, if required conditions could be used to ensure any development respected the size and scale of properties in the area.

The agent feels that the proposal meets policy requirements regarding there being three buildings with a road frontage, the agent considered that the buildings to the rear of No 3 have a frontage.

The Planning Authority are of the opinion that No 3 does not have a frontage and instead an access point to the public road. Below are examples of PAC decisions to support this.

A recent PAC decision 2021/A0128 (LA07/2020/1002/O), states;

"Paragraph 5.33 of the justification and amplification of the policy advises that 'for the purposes of this policy a road frontage includes a footpath or private lane'. This means that a road frontage can exist along a road, footpath or laneway. It does not mean a laneway in itself constitutes a road frontage. I find support for this in the final sentence of the second paragraph of Policy CTY8 which refers to the frontage being formed by 'buildings'. Therefore, an access alone cannot constitute road frontage. The size of the access lane is immaterial. A building has a frontage to the road if the plot on which it stands abuts or shares a boundary with that road."

Another recent appeal decision 2020/A0121 states;

"Only the access lane to No. 186 extends to the Whitepark Road and an access alone does not constitute frontage. As the plot on which the buildings at No. 186 stand does not have frontage to the road, these buildings do not have frontage to the road. Consequently, there is no substantial and continuously built up frontage at this location. As such, the appeal site cannot constitute a small gap in such a frontage and the appeal proposal fails the fundamental requirement of the infill exception in Policy CTY8."

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.'

As a result, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would create a ribbon of development.

The proposal is not considered an exception to policy but is contrary to CTY8, as there are no reasons why the development is essential in this rural location and does not meet any exceptions it is contrary to CTY1.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a prominent feature in the landscape. The site at present is open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated the site is open and so any dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area and a dwelling on the site would create a ribbon of development along Bog Road. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The proposal (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable.

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 Bog Road and does not represent an exception to policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for a building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson **Date:** 15/03/2023

Authorised Officer: Ashley Donaldson **Date:** 15/03/2023

Planning Committee Schedule of 23rd August 2023

Planning reference: LA07/2022/1313/O

Proposal: 2 Storey Dwelling & Garage on an infill site under Policy CTY8 of PPS21

Applicant: Mr Eugene Coogan

Location Lands to immediate East of 3 Bog Road, Killeen, Newry.

Recommendation: Refusal

Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy 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 Bog Road and does not represent an exception to policy
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for a building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Refusal Reason 1- Rebuttal. A dwelling on an infill site under Policy CTY8 is an exception to Policy CTY1 of PPS21 and it is contended that the application site is compliant with Policy CTY8 and by virtue is compliant with Policy CTY1.

Refusal Reason 2- Rebuttal. 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. The application site fits that criteria as the recently constructed dwelling provides the infill opportunity. The officer states that in relation to No3 "as the curtilage does not extend to the public road", this has to be challenged as

the site consists of a dwelling and outbuildings with access way to the public road accompanied by a band of planting either side, so this statement is incorrect as the site has a curtilage which extends to the road and has an ornamental pillars and walling with planting to the rear so this interpretation has to be challenged. It is the appellant's opinion that the officer has not considered the planting which is adjacent to the vehicular tarmacked driveway and ornamental garden planting set within existing boundary fencing and hedging. It is further noted that the proposed site frontage is similar in size to No3 and widens as you enter the site and the proposed dwelling is to be sited in line with the existing dwelling thus it is contested that the proposal meets the policy constraints. I agree with the officer's statement that *"it is considered that the proposal respects the plot size of other development in the area"*. Which indicates the gap site that exists between existing and established development.

Refusal Reason 3- Rebuttal. Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. Contrary to the officer's interpretation that the application site is an open field and would be considered prominent, rather the site is in a gap between existing buildings two of which are 2 storey in nature and as such the proposal would be in keeping with the existing build form and would not be considered prominent. It has to be argued that the officer's interpretation that the site is open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape is not considered to be a true interpretation of what is on the ground. The site is bounded on either side by mature hedging and contrary he officers report a minimal amount of new landscaping would be required and would be to the rear of the site. It has to be said that the dwelling on the right of the application site did not benefit from any more existing planting and relies on new planting to integrate

Refusal Reason 4- Rebuttal. 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. The chosen site between existing development with the same backdrop as the existing structures could not be considered prominent and rather than creating a ribbon avails of the gap opportunity and as the proposal is to be considered as 2storey would not be out of keeping and would not be unduly prominent.

Refusal Reason 5- Rebuttal. The officer's deliberation that the site as applied for is unsympathetic to the special character of the AONB Policy NH-6 has to be refuted as the new development will be located between existing buildings and will be clustered with existing built form. The chosen site makes use of the existing backdrop of vegetation and surrounding buildings and offers a sympathetic position between existing dwellings and outbuildings.

Conclusion

The site as chosen complies with the requirements of a dwelling under Policy CTY8 as it completes the gap that exists on the ground following the construction the new dwelling. A lot is made of the fact that the site is open and a new dwelling would not integrate into the surround built form. The existing vegetation of the proposed site is mature unlike the adjacent new dwelling and the adjacent approved football field. The site avails of the backdrop of drumlin countryside while nestling in the gap between the existing development.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval.

