



July 26th, 2023

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 26th July 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.

Nora Largey Legal Service

Cllr Enright

2.0 Declarations of Interest.

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

4.0 Minutes of Planning Committee Meeting held on Wednesday 28 June 2023. (Attached)

 *Planning Committee Minutes - 28.06.2023.pdf*

Page 1

5.0 Addendum List. (Attached)

 *Addendum list - 26-07-2023.pdf*

Page 12

Local Development Plan Items - Exempt Information

6.0 LDP Plan Strategy Strategic Policies.

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 Draft_Plan_Strategy_Strategic_Policies.pdf*

Not included

 *Appendix A_Draft_Plan_Strategy_Structure.pdf*

Not included

 *Appendix B_Draft_Plan_Strategy_Strategic_Policies.pdf*

Not included

Development Management - Planning Applications for determination

7.0 LA07/2022/1182/O - Proposed new infill dwelling in accordance with PPS21 CTY8- Between 12 & 16 Windmill Rd Kilkeel. (Attached)

REFUSAL

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

(Shane Murnaghan Applicant and Liam Milling Architect will be in attendance)

 **LA07-2022-1182-O - Windmill Rd Kilkeel.pdf** **Page 13**

 **LA07.2022.1182.O - Support.pdf** **Page 24**

 **LA07-2022-1182-O Windmill Rd.pptx** **Page 26**

8.0 LA07/2022/0934/F - Proposed replacement dwelling under PPS21: Policy CTY3 - 32D Mill Road Mullartown Annalong Co. Down. (Attached)

REFUSAL

- A request for speaking rights has been received from Liam Milling Agent, in support of the application. (Submission attached) (Michael Haughian applicant will be in attendance)

 **LA07-2022-0934-F - Mill Rd Annalong.pdf** **Page 34**

 **LA07-2022-0934-F - Support.pdf** **Page 44**

 **LA07-2022-0934-F Mill Rd.pptx** **Page 46**

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

REFUSAL

(Addendum List)

 **LA07-2022-0819-F - Courtney Hill Newry.pdf** **Page 51**

10.0 LA07/2022/1384/F - Proposed replacement dwelling & associated site works with retention of existing dwelling for ancillary use -50 Carrickbroad Road Drumintee, Newry. (Attached)

REFUSAL

- A request for speaking rights has been received from Mark Tumilty Agent, in support of the application. (Sumbission attached)

 *LA07-2022-1384-F 50 Carrickbroad Road.pdf* *Page 59*

 *LA07.2022.1384.F - Support.pdf* *Page 65*

 *LA07-2022-1384-F 50 Carrickbroad Road Newry.pptx* *Page 68*

11.0 LA07/2022/1433/F - Extension of curtilage, proposed erection of detached garage (in substitution of that approved under LA07/2016/0442/RM) and associated landscaping - 80 Upper Dromore Road, Warrenpoint. (Attached)

REFUSAL

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

 *LA07-2022-1433-F - Upper Dromore Rd Wpoint.pdf* *Page 76*

 *LA07 2022 1433 PW - Support.pdf* *Page 84*

 *LA07-2022-1433-F Upper D Rd.pptx* *Page 86*

12.0 LA07/2022/1808/F - Erection of dwelling and detached garage on a farm - Approximately 15m north east of 10 Billy's Road Newry Co. Down. (Attached)

REFUSAL

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

 *LA07-2022-1808-F - Billy's Road.pdf* *Page 93*

 *LA07-2022-1808-F PM - Support.pdf* *Page 107*

 *LA07-2022-1808-F Billy Rd.pptx* *Page 109*

13.0 LA07/2022/0309/O - Proposed housing development - Approx. 30m south of no. 131 High Street Bessbrook Newry. (Attached)

REFUSAL

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

 *LA07-2022-0309-O High Street Bbrook.pdf* *Page 115*

 *LA07 2022 0309 O - Support.PDF* *Page 123*

 *LA07-2022-0309-O S of NO 131 High Street Bessbrook 26-07-2023.pptx* *Page 125*

14.0 LA07/2023/2071/F - Proposed erection of an extension to the existing Greenkeepers storage and maintenance building, formation of vehicular laneway, re- profiling of land, erection of boundary fencing/gates, landscaping and associated development - Royal County Down 36 Golf Links Road Newcastle Down. (Attached)


APPROVAL

- A request for speaking rights has been received from Brigid McCaw in objection to the application. (Submission attached)
- A request for speaking rights has been received from Gavyn Smyth Clyde Shanks, in support of the application. (Submission attached)

 *LA07-2023-2071-F - Royal County Down N'castle.pdf* *Page 132*

 *LA07-2023-2071-F - Objection.pdf* *Page 149*

 *LA07-2023-2071-F - Support.pdf* *Page 150*

 *LA07-2023-2071-F Extension to Greenkeepers shed at Royal County Down Golf Club.pptx* *Page 158*

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

REFUSAL

(Addendum List)

 *LA07-2022-1261-F - Majors Hill.pdf* *Page 170*

16.0 LA07/2022/1891/O - Farm dwelling - 30m west of 55 Creevyargon Road Ballynahinch. (Attached)

REFUSAL

- A request for speaking rights has been received from James Anderson Agent, in support of the application. (Sumbission attached)

 *LA07-2022-1891-O Creevyargon Rd B'hinch.pdf* *Page 180*

 *LA07-2022-1891-O - Support.pdf* *Page 186*

 *LA07-2022-1891-O Creevyargon Farm Dwelling.pptx* *Page 187*

17.0 LA07/2022/1330/LBC - Replacement of existing iron handrails to a similar rail with closer spacing between bars to ensure health and safety standards are met. Currently the spacing of railing bars presents a hazard as they are too wide and could allow a small child to slip into the water. The railings are also in an extremely deteriorated condition and therefore require replacement -Annalong Corn Mill, Marine Park, Annalong, BT34 4RH. (Attached)

APPROVAL

(Addendum List)

 *LA07.2022.1330.LBC - Annalong Cornmill.pdf* *Page 194*

Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Cllr Jim Brennan

Cllr Pete Byrne

Mr Gerard Byrne

Cllr Philip Campbell

Mr Andrew Cassells

Cllr William Clarke

Mrs Linda Cummins

Cllr Laura Devlin

Ms Louise Dillon

Cllr Cadogan Enright

Cllr Doire Finn

Cllr Aoife Finnegan

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Mrs Josephine Kelly

Cllr Tierna Kelly

Cllr Cathal King

Ms Nora Largey

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Cllr Andrew McMurray

Cllr Declan Murphy

Cllr Kate Murphy

Cllr Selina Murphy

Cllr Siobhan O'Hare

Cllr Áine Quinn

Cllr Henry Reilly

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

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 28 June 2023 at 10.30am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D Murphy

In attendance: (Committee Members)

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

(Officials)

Mr C Mallon	Director of ERT
Mr A McKay	Chief Planning Officer
Mr Pat Rooney	Principal Planning Officer
Ms N Largey	Legal Advisor
Mr Peter Rooney	Legal Advisor
Mr M McQuiston	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer (Teams)
Mr A Donaldson	Senior Planning Officer (Acting) (Teams)
Ms M Fitzpatrick	Senior Planning Officer (Teams)
Ms S Fegan	Planning Assistant (Teams)
Mr S Maguire	Planning Officer (Teams)
Mr P Smyth	Development Management (Teams)
Ms S Taggart	Democratic Services Manager (Acting)
Ms L Dillon	Democratic Services Officer
Ms L Cummins	Democratic Services Officer

Also in attendance: Mr J Hillen Department for Infrastructure

P/038/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

Councillor Declan Murphy, Chairperson of Planning Committee, extended thanks to the previous Chairperson, Councillor Declan McAteer and he welcomed all Members to the Committee including new members together with planning officers, legal representatives and staff.

No apologies.

P/039/2023: DECLARATIONS OF INTEREST

Councillor Tinnelly - declared an interest in Item 8 LA07/2021/1323/F, and would withdraw from the meeting during discussion on this application.

P/040/2023: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

No declarations.

MINUTES FOR CONFIRMATION

P/041/2023: MINUTES OF PLANNING COMMITTEE MEETING WEDNESDAY 05 APRIL 2023

Read: Minutes of Planning Committee Meeting held on Wednesday 05 April 2023. (Copy circulated)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 05 April 2023 as a true and accurate record.

FOR DISCUSSION/DECISION

P/042/2023: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 28 June 2023. (Copy circulated)

AGREED: At the request of Councillor Hanna, it was unanimously agreed to remove the following application listed on the Addendum List for Wednesday 28 June 2023 and be deferred to the next Meeting of the Planning Committee.

- **LA07/2022/1313/O – 2 storey dwelling and garage on an infill site under Policy CTY8 of PPS21 – Lands to the immediate East of 3 Bog Road Killeen. REFUSAL**

AGREED: On the proposal of Councillor McAteer seconded by Councillor Tinnelly the following was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 28 June 2023:

- **P/2010/0648/F - Proposed Retention of existing Offices, maintenance repair sheds, 3 No storage buildings, weighbridge and parking area in**

conjunction with operations carried out by Dumfries Freight Limited at premises located at No 179 Gosford Road, Newry. (Amended Description) - 179 Gosford Road Newry. **APPROVAL**

- **P/2015/0164/F** - Proposed housing development with associated siteworks and parking - Lands at Chequer Hill and south of College Gardens Newry. **APPROVAL**
- **LA07/2022/1411/F** - Redevelopment of St. Marys Primary School, Lurganure. Works to include phased construction of new single storey primary school building, outdoor canopy covered play area, hard and soft play areas, landscaping, cycle stands, security fencing, new underground storm sewer drainage system, solar panelling on roof of new building, relocation of oil tank and provision of bin store and service yard area. Works to include demolition of principal's office building, external modular classroom and shelter/oil storage blocks. New internal road configuration to include separate car and bus pick up/drop off areas, pedestrian crossing points, additional car parking, separate temporary construction access off School Road and all associated works. Existing access of School Road to be maintained and upgraded – St Mary's Primary School Lurganure. **APPROVAL**
- **LA07/2023/2337/F** - Current site is a public community space with 2 benches and a table. Proposal is to install a sculpture of Tom Dunn (hedge schoolteacher) as per drawings in between these two granite benches. Sculpture will be cast in bronze and welded to a box frame foundation set in to the ground. Project is SEUPB funded and artist has been commissioned - The Square, Mary Street, Rostrevor **APPROVAL**
- **LA07/2022/0909/F** - Approx 0.6km into the land there is significant erosion of the width of the lane with weak verge which would restrict vehicular access at this point. Proposal to carry out cleaning of the river bed of all vegetation , loose stone and debris before a form of bank stabilisation to the affected area using temporary shuttering and poured concrete - Wild Forest Lane Newcastle. **APPROVAL**
- **LA07/2022/1613/LBC** - Refurbishment of old and new amenity blocks plus Dovecote tower to include external decorations to walls replacement of timber fascias and soffits with new hardwood sections, painting of steel rainwater goods, replacement of windows within the Old Amenity Block, decoration to all external doors. Replacement of existing door in Dovecote Tower, forming of new fan light, replacement of non hydraulic lime plaster to tower base and sanitary refit out to male & female WC's - Castlewellan Forest Park Castlewellan. **CONSENT**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/043/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2021/1323/F

Location:

68 to 72 & 74 Shore Road, Rostrevor.

Proposal:

Demolition of existing car sales and garage buildings and erection of residential development comprising 12No. semi-detached houses, 4No terraced houses and 29No. apartments (45No. units in total) with associated site works, road works, landscaping and car parking.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In objection

Mr Colum Sands presented in objection to the application, detailing and expanding upon a written statement circulated to Committee Members.

In support

Mr Brendan Starkey Planning Consultant, presented in support of the application, detailing and expanding upon a written statement circulated to Committee Members.

After presentations followed a lengthy discussion.

Councillor McAteer proposed and Councillor Enright seconded that, having read the Case Officer report and submissions from both the applicant and objectors, to agree to accept the Officer recommendation of refusal.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

AGREED:

On the proposal of Councillor McAteer seconded by Councillor Enright it was agreed to issue a refusal for planning application LA07/2021/1323/F, as per the information contained within the Case Officer report and presented to Committee.

(2) **LA07/2022/0704/F**

Location:

Lands approx.190m north of No.14 Old Road, Crossmaglen, Newry, BT35 9AL.

Proposal:

Erection of a dormer style farm dwelling and detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In support

Mr Colin O'Callaghan Planning Consultant, presented in support of the application, detailing and expanding upon a written statement circulated to Committee Members.

After presentations followed a lengthy discussion.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of Planning Application LA07/2022/0704/F, contrary to Officer recommendation, on the basis that if standing on the lane, the proposed dwelling will be visually linked to the farm buildings, and the view point of the farm and sit will be visibly linked from the laneway, therefore fitting in easily with the surrounding area.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	1

The proposal was carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2022/0704/F, contrary to Officer recommendation, on the basis that if standing on the lane, the proposed dwelling will be visually linked to the farm buildings, and the view point of the farm and site will be visibly linked from the laneway, therefore fitting in easily with the surrounding area.**

(3) **LA07/2022/1399/O**

Location:

Lands approximately 22m north of No. 72 Benagh Road Newry.

Proposal:

Dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In support

Mr Michael Clarke O'Callaghan Planning, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

After presentations followed a lengthy discussion.

Councillor Larkin proposed and Councillor McAteer seconded, to issue an approval in respect of Planning Application LA07/2022/1399/O, contrary to Officer recommendation, on the basis that the proposal complies with Policy CTY8, as the buildings are not linked to the plot which is a greenfield area distinct from the surrounding area, and that Planning Officers be delegated authority to impose any relevant conditions.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	1

The proposal was carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2022/1399/O, contrary to Officer recommendation, on the basis that the proposal complies with Policy CTY8, as the buildings are not linked to the plot which is a greenfield area distinct from the surrounding area.

Planning Officers be delegated authority to impose any relevant conditions.

(4) LA07/2020/1768/DC

Location:

100m west of 133 Carrigagh Road Finnis Dromara.

Proposal:

Discharge conditions 2 (Haulage Routes) and 28 (Landscaping Plan) of planning approval LA07/2015/1088/F.

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

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

Speaking rights:

In objection

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

Speaking rights:

In support

Ms Sarah McDowell Resolve Planning, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

After presentations followed a lengthy discussion.

Councillor Hanna proposed and Councillor Larkin seconded, to issue an approval in respect of Planning Application LA07/2020/1768/DC, as per the recommendation contained within the Case Officer report and presented to Committee.

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

FOR:	8
AGAINST:	4
ABSTENTIONS:	0

The proposal was carried.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2020/1768/DC, as per the information contained within the Case Officer report and presented to Committee.

(1.35pm – the meeting adjourned)

(2.00pm - the meeting resumed)

(5) LA07/2022/1257/RM

Location:

40m SW of No. 67 Tullyframe Road Atticall Kilkeel

Proposal:

Erect new dwelling and detached garage with associated access and site works.

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

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

Speaking rights:

In support

Mr Brendan Quinn, agent, was in attendance to answer any queries from Members.

Councillor Tinnelly proposed and Councillor Larkin seconded, to issue an approval in respect of Planning Application LA07/2022/0537/F as per Officer recommendation contained in the Case Officer Report and presented to Committee.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

AGREED:

On the proposal of Councillor Tinnelly seconded by Councillor Larkin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2022/1257/RM as per the information contained within the Case Officer report and presented to Committee.

(6) LA07/2022/0578/O

Location:

Approx 55m North-West of 61 Dromore Road Ballynahinch

Proposal:

New dwelling and domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In support

Ms Una Somerville agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Hanna proposed and Councillor Enright seconded, to issue an approval in respect of Planning Application LA07/2022/0578/O, contrary to Officer recommendation, on the basis the presentation satisfied CTY2A as the development will not impact residential amenity and can easily be absorbed as the site provided a degree of closure.

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

FOR:	12
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Enright it was agreed to issue an approval in respect of Planning Application LA07/2022/0578/O contrary to Officer recommendation on the basis that the application fulfils CTY2A as the development will not impact residential amenity and can easily be absorbed as the site provided a degree of closure.

Planning Officers be delegated authority to impose any relevant conditions.

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

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

Agreed: On the proposal of Councillor Finnegan seconded by Councillor McAteer it was agreed to come out of closed session.

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

P/044/2023: LDP PROGRESS REPORT

Read: Report dated 28 June 2023 from Mr A McKay Chief Planning Officer regarding the Local Development Plan: Progress Report on Revised Timetable and Work Programme for finalising the draft Plan Strategy.
(Copy circulated)

AGREED: On the proposal of Councillor Enright seconded by Councillor Hanna, it was agreed:

- a) To approve the draft revised Timetable (Appendix 1)
- b) Following Council approval, the Planning Department liaises with the PAC and other key stakeholders prior to submitting the revised Timetable to DfI for it's agreement.
- c) Following agreement of the revised Timetable by DfI, it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
- d) To note the work programme for finalising the draft Plan Strategy (Appendix 2)

P/045/2023: CONSULTATION RESPONSE
RE: REVISED REGIONAL STRATEGIC PLANNING POLICY
- RENEWAL AND LOW CARBON ENERGY

Read: Report dated 28 June 2023 from Mr A McKay Chief Planning Officer regarding a consultation response on the Revised Regional Strategic Planning Policy – Renewal and Low Carbon Energy.
(Copy circulated)

AGREED: On the proposal of Councillor Enright seconded by Councillor Larkin, it was agreed to approve the Council's response to the Revised Regional Strategic Planning Policy on Renewable Energy and Low Carbon Energy public consultation document, subject to including points made regarding the grid.

FOR DISCUSSION

P/046/2023: CHANGES TO PLANNING COMMITTEE OPERATING PROTOCOL

Mr McKay explained previously there had been 3 main political groupings on the Planning Committee, but that following the recent Local Government Elections, there were now 4 main political groupings within the Planning Committee, ie, Sinn Fein, SDLP, DUP and Alliance, and the Committee therefore needed to consider amending the Operating Protocol to reflect the new make up of the Planning Committee.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed the make up of the Planning Call-In Panel remain as 3 members, ie, Chair, or Deputy Chair, 1 Sinn Fein, 1 SDLP, with DUP and Alliance to rotate their membership on a 6 monthly basis.

AGREED: On the proposal of Councillor Murphy seconded by Councillor McAteer it was agreed to include the Scheme of Delegation and Planning Operating Protocol in terms of enforcement, for discussion at a future meeting of the Planning Committee, with Members providing details of any proposals to the Chief Planning Officer in advance.

The Scheme of Delegation and Operating Protocol to be circulated to Members.

FOR NOTING

P/047/2023: **LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST**

AGREED: On the proposal of Councillor Byrne seconded by Councillor McAteer it was agreed:

- a) To note the notification received by the Department for Communities regarding the listing of buildings of special architectural or historic interest in the Armagh area.
- b) Planning Department can facilitate contacting the Department for Communities on behalf of an Elected Representative regarding the possible listing of a building for special architectural or historic interest.

The meeting concluded at 4.15 pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 26 July 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:

- **LA07/2022/0819/F** – Proposed replacement dwelling & associated site works with retention of existing dwelling for ancillary use -7 Courtney Hill, Newry.
REFUSAL

- **LA07/2022/1261/F** - Proposed side extension to dwelling and new vehicular access - 4 Majors Hill, Annalong, Kilkeel
REFUSAL

- **LA07/2022/1330/LBC** - Replacement of existing iron handrails to a similar rail with closer spacing between bars to ensure health and safety standards are met. Currently the spacing of railing bars presents a hazard as they are too wide and could allow a small child to slip into the water. The railings are also in an extremely deteriorated condition and therefore require replacement -Annalong Corn Mill, Marine Park, Annalong, BT34 4RH
APPROVAL

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1182/O

Date Received: 02.08.2022

Proposal: Proposed new infill dwelling in accordance with PPS 21 CYY8

Location: Between no. 12 and no. 16 Windmill Road, Kilkeel, BT34 3RZ

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015 (Map 3/01 Newry and Mourne District). The application site is located approximately 0.27 miles west of the settlement development limit of Kilkeel. The site has been screened for both natural and built heritage features; no historic environment features have been identified on the application site. The application site is located within an Area of Outstanding Natural Beauty.

1.2 The application site is located within a field. There is no field gate providing entry with the field accessible via a gap in fencing. The field is bounded to the side bounding the Road via a wooden fence and then to two sides via a post and wire fence and one side via mature hedging. There is a disused oil tank within the site. The images below set out the context of the application site upon which this report will assess.

Image 1 Extract from Site Location Plan



Image 2 Aerial of the application site



Image 3 Photograph of the application site from Windmill Road



1.3 The application site is described as being located between 12 and 16 Windmill Road. 12 Windmill Road is two storey with 16 Windmill Road a single storey in form dwelling. Both dwellings benefit from off road parking.

1.4 As set out above this is an outline application and therefore no details, elevations or finishes have been submitted as part of this application these would be assessed at reserved matters stage. The main objective of this application is to establish the principle of the development on the application site.

2.0 Planning Policies and Material Considerations

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

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- 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 The planning history of the site and immediate surrounds is set out in the table below:

Planning Reference	Proposal	Address
P/2003/0797/O	Site for warden's accommodation related to holiday accommodation	Between no.16 & 18 Windmill Road, Kilkeel
P/1995/0567	Site for dwelling	Cranfield point lane, Kilkeel (immediately south east of no 12
LA07/2022/0283/CA	Alleged unauthorised mobile/derelict home	Between 12 and 16 Windmill Road, Kilkeel, Down, BT34 4LP

4.0 Consultations

4.1 Consultations were issued to the following consultees:

- NI Water – No objections provided conditions.
- DFI Roads – Following a request for amendments upon which the applicant's agent provided another consultation was issued to DFI Roads. DFI Roads responded to this consultation setting out that they had no objections and provided conditions to be attached.
- Historic Environment Division – Content with the application as presented.

5.0 Objections and Representations

5.1 11 neighbours were notified in relation to the above application. The application was advertised in the local press on the 17th August 2022. Four comments/objections were received in relation to the application. Their comments are set out below.

5.2 Objection from Tom Ekin

- It seems neighbour notifications have not been sent to numbers 16,18 and 19 is there an error.
- The Proposed Infill site is directly in front of our house, no 12. Any development will impinge on our privacy and amenity. This has already been done to some extent by the removal of a hedge (say 100 years old) along the lane and the creation of a new entrance to the field, adjacent to our boundary, by the applicant or new owner. This entrance seems to have an awkward angled gateway.
- I understand that in the past applications have been discussed for developing on this lane and have been refused.
- Any further development on this Lane will be counter to the provisions of PPS21 CTY8 in its efforts to Sustain the countryside. This field has been used for grazing sheep and goats.
- The Private Lane is not suitable for further traffic, in that it is narrow has several narrow Right-angle bends, has a rough surface and is the responsibility of existing home owners
- It has been suggested that the applicant is planning to establish a Glamping site on the assumption that he will not get permission for a house, this would be totally inappropriate because of the considerable change of use and the number of other camping sites within the broader Kilkeel area. From what we have seen this proposal will not "develop the countryside to sustain a strong and vibrant Countryside" (see Planning policy for rural NI) I believe that this reflects the views of the residents who live along this lane, although this is not a representation on their behalf.

5.3 Objection from Peter Morgan

- Established right of way for 30 years as owner to the adjoining land through the proposed site in two locations. One via a small gate and the other through the proposed site entrance. Both of which will be removed by this development.
- Both owner and applicant are aware of this but do not take into consideration my access to my land in their planning application.

5.4 Objection from Johnny Shwartz

- Concerns about road networks related to the ... application
- The road ... has only recently been resurfaced and upon further research we could see that this road was only developed for the use of Sandilands

caravan park and the Coral Cottages development, Windmill Road is completely separate so this so its unclear as to why this road is proposed to be ripped up for this development.

- In addition to this we would raise concerns regarding the wildlife who habitat Windmill Lane/Road ... who will be displaced by the proposed plans.
- This would be detrimental to the wellbeing of these animals and does very little to improve the protection of the rural countryside.

5.5 The application presented for assessment is an outline application for a proposed dwelling in line with policy CTY 8 PPS 21. With regards to comments in relation to neighbour notification; the Planning Department is content that the neighbour notification process has been carried out correctly. Those residing in 16, 18 and 19 were not required to be notified.

5.6 Concerns with regards to privacy and amenity as well as access will be discussed and assessed in the body of this report. Comments in relation to glamping pods etc are not material to this application. Those comments in relation to rights of ways is a civil matter and not a matter for the Planning Department. With regards to the Road comments, this application is an outline application and no information has been submitted to support the view that the road is to *be ripped up*. All comments material to Planning will be discussed and assessed in the body of the report.

Correspondence with the Agent/Applicant

5.7 An email was issued to the Agent on the 21st of September 2022 which set out that the development had been considered and the Planning Department set out that this application makes use of an existing modular building. Given that the structure is unauthorised it will be discounted from the assessment rendering the gap too large and therefore not eligible for development under the policy guidance of CTY8.

5.8 The Agent provided a supporting statement dated the 4th September 2022 and a further email was sent via the Agent on the 8th December 2022. The responses are inset and discussed within the assessment of this application.

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 infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS2, PPS3 and 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 considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that *ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character*. Paragraph 4.4.1 puts the onus on the *applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context*.

Planning Policy Statement 2 – Natural Heritage

6.4 Policy NH6 relates to new development within an Area of Outstanding Natural Beauty and is applicable to the application site. It states that planning permission will only be granted where the proposal is an appropriate design, size and scale for the locality. It is noted that the application presented is an outline application and thus no detailed design has been presented to the Planning Department, however, given consideration to the location of the application site in proximity to the holiday park and the variety of dwellings on the road it is considered that subject to conditions the proposal could be sympathetic to the Area of Outstanding Natural Beauty and would not cause any demonstrable harm.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

6.5 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. As set out in section 4 DFI Roads were consulted in relation to the proposed development. DFI Roads initially responded requesting that the red line adjoins a public road and includes visibility splays of 2.4 by 80m. The Agent submitted a revised site plan and DFI Roads were re-consulted. DFI Roads responded to state they had no objections in principle to the development. The proposal therefore complies to the policies set out in PPS 3.

PPS21 Sustainable Development in the Open Countryside

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

CTY 8 – Ribbon Development

6.7 CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided they respect the existing development pattern along the

frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

6.8 The application location is between numbers 12 and 16 Windmill Road Kilkeel. Whilst conducting a site visit it was noted that the field next to the site had a mobile/caravan/modular construction on it which was evidently not currently in use. The Agent provided an appendix to their supporting Planning Statement received on the 4th September 2022 upon which inset a variety of google imagery showing the mobile/caravan/modular building on site. The Agent also inserted an extract from appeal 2015/A0052 which allowed the use of an unauthorised building to be considered within the assessment. The Planning Department in this instance would not consider the modular building to be included in the assessment. However, if it was included it would produce two gaps and therefore contribute to Ribbon Development and not the infilling of a gap.

6.9 The Agent also references application LA07/2021/0734/O upon which an unauthorised garage was included in the assessment due to it being immune from enforcement action. Further, examples were received via the Agent in an email of the 8th December 2022. Whilst these examples were not directly linked to the policy of CTY8 they have been considered. Firstly 2015/A0198 which was being assessed against the policy of CTY3 upon which the commissioner thought through the size, means of attachment to the ground and its permanence concluding that removal of the building would require conventional demolition, which is highly suggestive of permanent construction. Secondly, appeal 2016/A0042

6.10 Whilst the Planning Department note these examples, it is the Planning Departments consideration that the modular building is not considered a building of permanent construction for the purposes of policy and therefore is not considered to contribute to a continuous and built-up frontage.

6.11 This field upon which the unauthorised modular building is situated also had an array of different takeaway trailers and vehicles contained within the site with various other pieces. Beyond the field upon which contained the trailers was registered dwellings 16 and 18 which are labelled below. The application site appears on the ground to have been split from a larger field using a post and wire fence. The application site at the time of site visit contained a disused oil tank. Following this section of lands, the next dwelling is number 12 which has its side gable to the road. Given the layout and what was visualised during a site visit with affirmation from the aerial inset below as such it is considered only two buildings have frontage to the road, thus for the purposes of policy, it is considered that there

is **not** a substantial and continuously built-up frontage on this occasion, thus the proposal therefore fails the initial policy test.

Image 4 Aerial of the Application Site and Surrounds



6.12 In terms of whether the application constitutes a small gap site relates to the matter of plot size. Having studied the plot sizes of the adjacent dwellings I have the following frontages to note (approximate):

- Number 12 - 32.2m
- Number 16/18 – 30.9m
- Gap (containing unauthorised mobile) – 38.1m
- Gap (consisting of application site) – 68.8m

6.13 The applicants site presents within the frontage of 68.8m. The average frontage is said to be 31.5m. Given there are two gap sites consisting of a frontage of 106.9m would mean that the total gap could accommodate 3.3 dwellings.

6.14 It is important to note that appeal reference: 2019/A0001 clearly states that it is not merely a mathematical exercise therefore on this basis it is imperative to consider the surrounds of the application site/area. Having conducted a site visit and studied the aerial it is considered that on this occasion and given the circumstances of the application site that more than two dwellings could be

considered to fit within the wider gap. Therefore the site would not be considered a small gap site.

6.15 It is further noted and clearly set out above that the application site consists of no substantial and continuous built-up frontage and as such the application site does not constitute a small gap as per CTY 8. In order to ensure an appropriate and thorough assessment of the application site the matter of size, scale and will be discussed below.

Size, Scale and Siting

6.16 The application site is located within a vacant agricultural field nestled between two dwellings. An indicative site plan has been submitted alongside the application whereby the dwelling is to be nestled within the site contained currently by a post and wire fence.

6.17 Policy CTY8 further states *"Many frontages in the countryside have gaps between houses or other buildings that **provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character**. The infilling of these gaps will therefore **not be permitted** except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. 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 and can produce a design solution to integrate the new buildings."*

6.18 It is considered that when interpreting the extract above and given the characteristics of the site including the location of the application it is not considered as an acceptable infill opportunity but more so provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

Policy CTY13 – Integration and Design of Buildings in the Countryside

6.19 *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.*

6.20 The application presented to the Planning Department is an outline application however, the Agent has supplied an indicative site layout which illustrates a dwelling and garage enclosed via a post and wire fence with native hedging. It is considered however, that given the location of the application site and its current characteristics that the application would fail the criteria set out in CTY 13 in that the proposal if approved would be a prominent feature in the landscape.

Policy CTY14 Rural Character

6.21 *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.*

6.22 As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that the application site is not considered an infill opportunity and therefore would result in the suburban style build-up of development when viewed with existing and approved buildings. Furthermore, it is considered that the proposal if approved would be unduly prominent in the landscape. The proposal is considered therefore to exacerbate and result in ribbon development on Windmill Road and is therefore considered contrary to CTY 14.

Residential Amenity

6.23 Through studying the indicative site layout it has given an indication of the potential siting of the proposed dwelling. It is considered that the proposed dwelling would be far enough removed from any neighbouring properties as to not cause any demonstrable harm.

7.0 Recommendation – Refusal

Conditions

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no**

overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Windmill 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built up frontage.
4. 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 dwelling, if permitted would be a prominent feature in the landscape.
5. 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 buildings would, if permitted be unduly prominent in the landscape and add to a ribbon of development along the Windmill Road; therefore resulting in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature: Roisin McGrane

Date: 03.04.2023

Appointed Officer Signature: M Keane

Date: 03-04-23



Reference	LA07/2022/1182/O
Location	Between 12 and 16 Windmill Road
Proposal	Proposed new infill dwelling

Response to Refusal Reasons

This application has been recommended for refusal on the basis that the case officer determined there was no substantial and continuously built-up frontage and that it was contrary to CTY1, 8, 13 and 14 of PPS21. The refusal reasons can be viewed on screen.

The crux of the Departments interpretation is that they consider the modular building south of the site as not counting towards the built up frontage and also mentioned the unauthorised nature of the structure.

In dealing with the first point, the Planning Act defines a building as “any structure or erection”. Moreover, **Policy CTY 8 makes no reference as to what type of building is required or the level of permanence needed.** The building has been on site for over 20 years, with the earliest available images dated May 2005. The building was formerly a dwelling and was home to the owner, Mr. Peter Morgan and his family. The building is fixed to the ground and has its own electricity, sewage and water connections. There has been supporting statements from Michael Morgan, (Peters uncle) and Derek Bolton (local resident) who both confirm this.

Therefore, we respectfully disagree with the case officer assertion that this building is temporary, and recent appeals have also considered that smaller wooden structures are considered permanent (as shown on the screen). This appeal also confirmed that Policy does not differentiate between temporary and permanent structures. The commissioner stated in Appeal 2021/A0124 that: ***“I don’t accept that the building is temporary as it has clearly been in place for some time. In any case Policy CTY8, as worded, explicitly refers to buildings and does not differentiate between the nature, form and materials of the buildings or the length of time the building has been in place.”***

As this confirms that Policy does not differentiate between a permanent and temporary buildings, then this large, prefabricated building can be considered a building for the purposes of Policy CTY8.

In terms of the Planning Officers concerns regarding the unauthorised nature of the building, as mentioned previously, the building has been on the site for over 20 years, therefore it is considered to be immune from enforcement, and as it is immune, it can be considered as a building within the substantial and continuously built up frontage. This was established by appeal decision 2015/A0052:

Although no CLUD has been submitted to regularise this building, the LPA’s representative confirmed at the site visit that the building was immune from enforcement. This being the case, this structure falls to be considered in my assessment.



The Department have also stated within their refusal reasons that the gap site does not represent a small gap site within an otherwise substantial and continuously built up frontage. However, as it can now be considered that the prefabricated building is a building for the purposes of Policy CTY8, the gap site represents a small gap site which can accommodate up to a maximum of two dwellings.

Therefore, the application is considered to be compliant with Policy CTY 8 of PPS21.

In terms of the remaining refusal reasons, the Department also stated that the dwelling would be a prominent feature in the landscape. However, the site is located approx. 0.5km from the public road as the crow flies, therefore we respectfully disagree with the Department in this instance. Notwithstanding this, as this is an outline application, issues relating to prominence can be considered at reserved matters stage.

As it has now been established that the building can be considered building for the purposes of Policy CTY 8, the substantial and continuously built up frontage is considered to be the dwelling and outbuilding at no.12, the gap site followed by the pre-fabricated building TO the south OF the site and no.14/16 further south.

The proposal is not considered to be a prominent feature in the landscape, due to the set back from the road.

As the 2nd, 3rd and 4th refusal reasons have been addressed, it therefore falls that the proposal is compliant with Policy CTY1 and 14 of PPS21 therefore the 1st and 5th refusal reasons are addressed.

We therefore respectfully request that the Planning Committee overturn the Case Officers recommendation as the proposal conforms to Policy CTY8, in that the gap site is a suitable gap site capable of accommodated up to a maximum of two dwellings whilst respecting the development pattern in the area.

LA07/2022/1182/O

Between no. 12 and no. 16 Windmill Road, Kilkeel

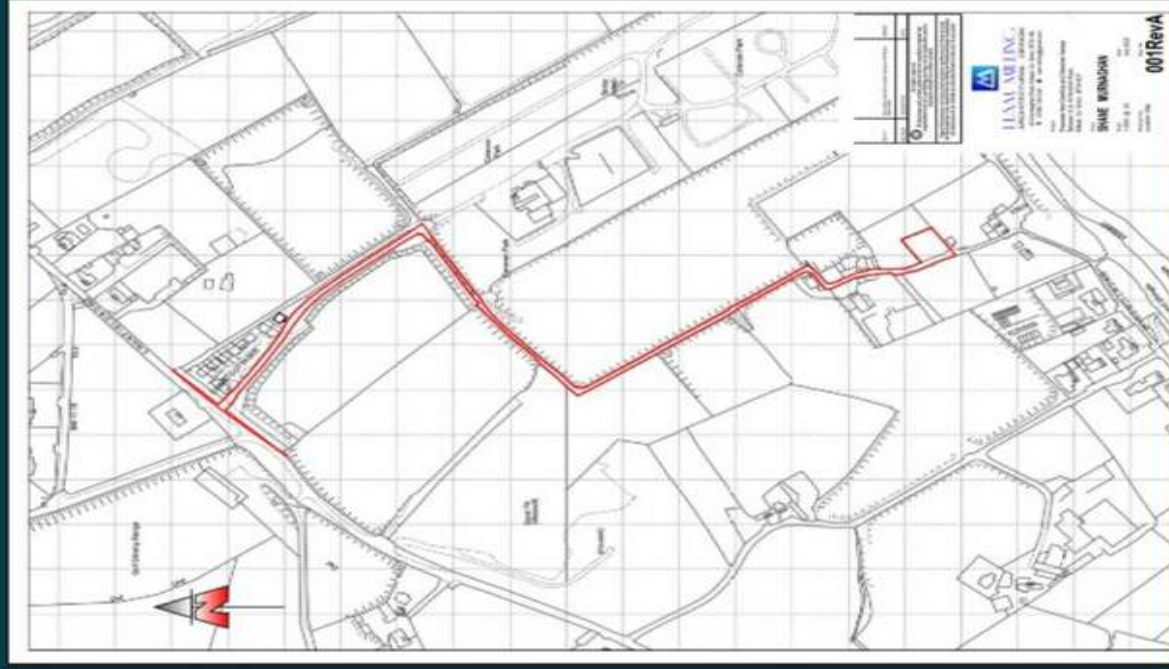
Infill dwelling



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agus an Dúin**
**Newry, Mourne
and Down**
District Council

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

Site location map

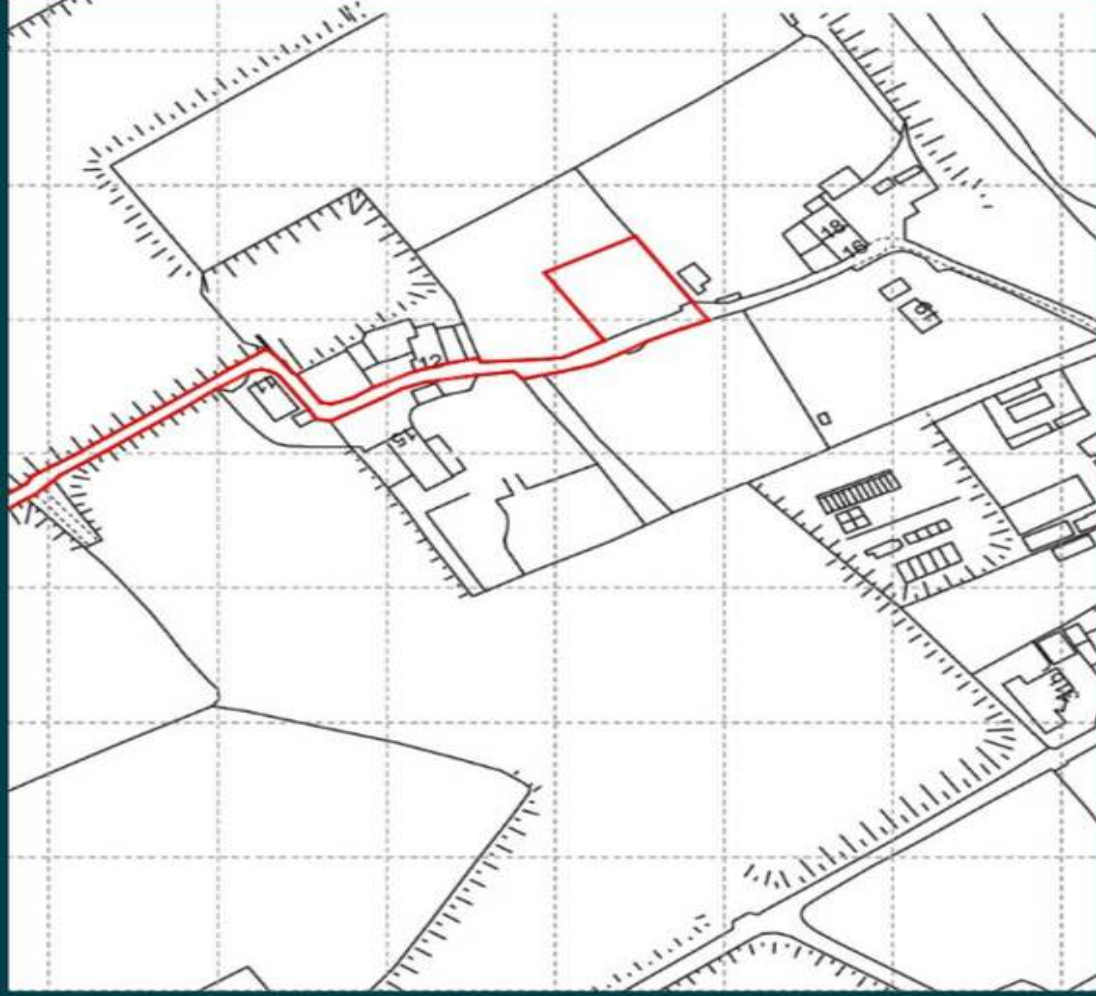


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Site location plan



Ag freastal ar an Dún agus Ard Mhacha Theas
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Aerial image



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Site layout plan



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Views towards No.12 Windmill Rd from app site



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Views towards no.16 from app site



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**Temporary structure adjacent to
app site and no.16**
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Application Reference: LA07/2022/0934/F

Date Received: 08.06.2022

Proposal: Proposed replacement dwelling under PPS21: Policy CTY3

Location: 32D Mill Road, Mullartown, Annalong, Co. Down

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located out with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan (Map 3/01 Newry and Mourne District). The application site is located on the Mill Road and is located within an area of outstanding natural beauty. The application site is located 0.26 miles west of the Settlement Development limit of Annalong.

1.2 The dwelling proposed to be replaced is a small single storey cottage like building with a corrugated tin roof. The cottage fronts onto the road and is located within the curtilage of number 32 Mill Road.

1.3 The proposed site plan indicates that the application site is adjacent to and across the laneway. This field is currently utilised for grazing livestock and is enclosed via a variety of means to include a dry-stone wall, vegetation and post and wire fencing.

Image 1: Extract from the Site Location Plan



Image 2: Extract from the Proposed Site Plan

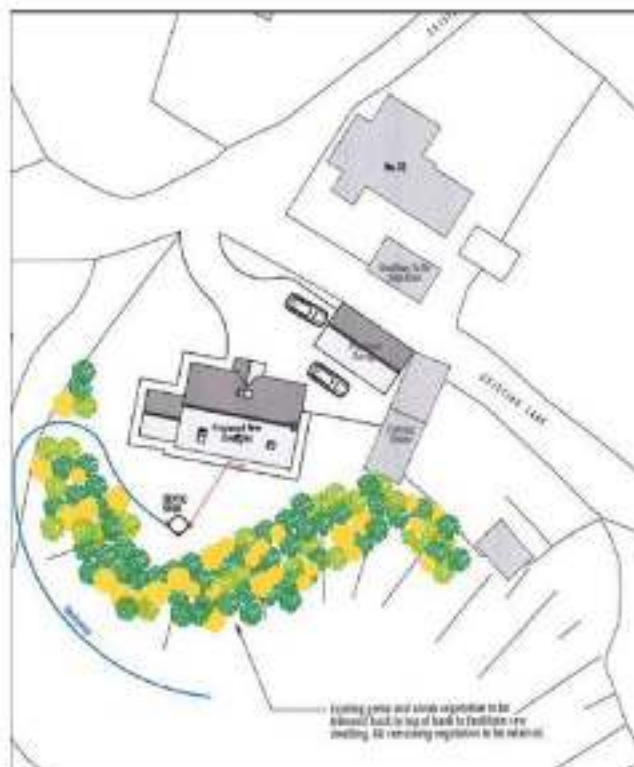


Image 3 Image of the dwelling to be replaced



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
- PPS 2 Natural Heritage
- 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 The Planning History of the application site has been investigated. The following two applications are located within the red line boundary of the application site and are relevant to the proposed development:

- P/1997/0805 for the erection of retirement dwelling replacing existing dwelling at adjacent to 32 Mill Lane Road Annalong

- P/1996/0822 for a site for replacement dwelling at adjacent to 32 Mill Road, Annalong – Approved

4.0 Consultations

4.1 Consultations were issued to the following consultees:

- DFI Roads – Initially responded setting out that if the dwelling to be replaced could be reasonably occupied at present then DFI Roads have no objection to the application. Following investigation of the planning history of the application site it was considered that the dwelling to be replaced has already been replaced and is a current dwelling on Mill Road (32b). The Planning Department would consider therefore this application would be for an additional dwelling on the Mill Road and as such would request your comments in relation to this. DFI Roads responded requesting changes to the application which were submitted via the Agent. Following the receipt of these amendments DFI Roads were re-consulted and in response offered no objections to the proposed development from a Roads perspective.
- NI Water – Is content with the proposal with standard planning conditions

5.0 Objections and Representations

- 5.1 The application was advertised in the local press on the 29th June 2022. 6 neighbours were identified as part of this application and notified of it on the 4th July 2022. No representations have been received to date (17/11/2022).

Correspondence with the Agent/Applicant

- 5.2 An email was issued to the agent on the 12th August 2022 setting out that following the initial assessment of the application it appears that the cottage was replaced under application P/1997/0805 and is currently known as 32b. The agent was afforded an opportunity upon which to submit any further comments/supporting information.

- 5.3 The Agent responded on the 2nd of September with a letter highlighting that condition number 4 of the previous approval stated:

upon occupation of the new dwelling, the existing dwelling indicated in green on the approved plans shall no longer be used for the purpose of human habitation".

Reason: "to ensure the proposed development does not result in the creation of an additional dwelling in this Countryside Policy Area".

- 5.4 The Agent stated that the existing dwelling has been continuously used for human habitation since planning approval was granted. Therefore ... I would argue that an additional dwelling has been created and as such should be eligible for replacement. Also, since the breach of condition occurred more than 5 years ago, no enforcement action may be taken (Planning Act (NI) 2011: Part 5, Para 132–(3).

- 5.5 In response to the Agent the Planning Department issued an email setting out that there was currently no Certificate of Lawfulness for an Existing Use

(CLUED) associated with this application nor site. Furthermore, even if the structure has been used continuously for human habitation and even if a CLUED was applied for to the Council, the dwelling would still not be eligible for replacement. The matters raised in the letter with regards to the structure being continuously used for human habitation has been referred to Enforcement for further investigation. The Enforcement case has since been closed.

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 2 Natural Heritage

Policy NH6 Areas of Outstanding Natural Beauty

6.4 *Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality*

6.5 The proposal is for a replacement dwelling. The dwelling is to be located adjacent but across the laneway from the building to be replaced. It is considered given the built-up nature and meandering characteristics of the laneway which is located off the main road that the proposal can be absorbed within the site. It is

therefore considered that the proposal is sympathetic to the Area of Outstanding Natural Beauty and would not create or exacerbate any demonstrable harm.

PPS 3 Access Movement and Parking

6.6 Policy AMP 2 of PPS 3 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 AMP 2 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 were consulted as part of this application. Given the Planning History of the application site a re-consultation was issued to DFI Roads setting out the consideration by the Planning Department.

6.7 The consultation stated that the Planning Department consider that the dwelling to be replaced has already been replaced and is a current dwelling on Mill Road (32b). The Planning Department would consider therefore this application would be for an additional dwelling on the Mill Road and as such would request your comments in relation to this. DFI Roads responded requesting the following changes:

1. Red line to be extended on Mill Road to include the required sight visibility splays of 2.4m x 80m in both directions.
2. The existing laneway to be widened to 4.8m for a distance of 10m from the public road.

6.8 Following the submission of revised drawings by the applicant's agent a re-consultation was issued. DFI Roads responded to this consultation setting out they had no objections from a Roads perspective.

PPS21 Sustainable Development in the Open Countryside

6.9 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

6.10 *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.

6.11 A site inspection was carried out on the 6th July 2022 upon which it was established that at some point in the past the said building would have been used as a dwelling house. Following an initial look at the building it appeared to be intact and was closed using a padlock. It did not appear to be currently used for human habitation and appeared to be utilised for storage. As set out in paragraph 5.2 following a planning history search it appeared that the cottage like structure had been previously replaced under application P/1997/0805 and is currently known as 32b. Whilst it is not disputed that the building exhibited the essential characteristics of a dwelling house and remains intact. The building would not be eligible for replacement due to the fact it has already been replaced.

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

6.13 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;

6.14 The applicant proposes an offsite replacement due to the fact the building has no associated amenity space. The building in question is currently contained within the curtilage of 32D. Notwithstanding the principle of development, as there is no curtilage associated with the subject building, an off-site location would be required. The proposed placement for the dwelling is across the laneway from the building to be replaced location. The proposed site would allow for substantive access and amenity benefits. However, this cannot be overshadowed by the fact that the building does not appear to be eligible for replacement.

6.15 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;

6.16 The proposed dwelling is single storey in nature with a maximum ridge height of 6.5m with a 0.3m under build. The detached garage proposed has a maximum ridge height of 4.7m. Whilst it is acknowledged that the proposed dwelling is substantively larger than the building to be replaced it is acknowledged that modern standards of living and requirements do require buildings to be of a more modern standard. Whilst the garage location is not located to the rear of the dwelling upon which is considered to be more rural it is located and clusters with built development (i.e existing sheds) to the rear of the proposed garage. Given the constraints and topography of the site this placement would be acceptable to allow for private amenity space to the rear of the dwelling.

6.17 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

6.18 The proposed dwelling is a single storey in form (albeit two floor internally) with a detached garage located north east of the dwelling house. The site plan highlights that the finishes of the dwelling and garage include:

- Roof – Non-profiled Concrete Interlocking Roof Tiles (Black)
- Walls – Smooth Plaster External Render
- Windows – Double Glazed UPVC Frames
- Rainwater Goods – Black uPVC Eaves, Gutters and Downpipes

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

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

6.20 DFI Roads were consulted with regards to the application and have no objections.

In further assessing the application against Policy CTY 3; the policy sets out the following paragraph:

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.

6.21 As set out in paragraph 5.2 the Planning Department conducted a planning history search and it was evident from this search that the building to be replaced has been previously replaced under application P/1997/0805 and is currently known and occupied as 32b. Due to the fact that this building has already been replaced it is not eligible for replacement under this policy. The application therefore does not comply with policy CTY 3 and can therefore only be recommended for refusal.

Policy CTY 13 Integration and Design of Buildings in the Countryside

6.22 *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.*

Image 4 Picture of the Application Site



6.23 It is considered that the application as presented complies with CTY 13; The application site as seen above in image 4 is enclosed via redundant farm buildings and mature vegetation; the proposal intends to retain all gorse and shrub vegetation whilst maintaining and trimming it. The design and scale of the dwelling is considered appropriate given the site characteristics, the dwellings and sheds surrounding the application site. It is considered that the proposal complies with CTY 13.

Policy CTY 14 Rural Character

6.24 *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.*

6.25 Given the nature of the application site and its unique characteristics with the applicant retaining the vegetation on site it is considered that the proposed dwelling would not be unduly prominent in the landscape thus would not appear as dominant. The proposed dwelling is not dissimilar to those within the immediate

surrounds and it is considered that the site could accommodate a dwelling of this scale. However, whilst the application would comply with CTY 14 in some aspects it is considered that the dwelling would cause build up along the Mill Road unnecessarily. The building that the applicant wishes to replace has already been replaced as set out numerous times within the report therefore the proposal would result in a *suburban style build-up of development when viewed with existing and approved buildings*. It is therefore considered that the application is contrary to CTY 14.

Summary

6.26 The above report sets out an assessment on the application upon which applies for a replacement dwelling. As set out above, the building to be proposed to be replaced has evidently been replaced under application P/1997/0805 and is currently known and occupied as 32b. Therefore, the principle of a replacement dwelling under policy CTY 3 in this case is flawed and therefore **not** eligible for further replacement and therefore not acceptable. The application is therefore recommended for refusal.

7.0 Recommendation

7.1 Drawings in which the application relates to 001A, 002

7.2 Conditions

The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling to be replaced has already previously been replaced, and as such is not eligible for further replacement.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling if permitted; would result in a suburban style build-up of development when viewed with existing and approved dwellings.

Case Officer Signature: Roisin McGrane

Date: 17.11.2022

Appointed Officer Signature: M Keane

Date: 17-11-22



LIAM MILLING ARCHITECTURAL DESIGN

40 CORCREAGHAN ROAD, KILKEEL, CO. DOWN BT34 4SL • Tel: 07962 054348 • E-mail: liam.milling@gmail.com

Planning Reference	LA07/2022/0934/F
Location	32D Mill Road, Annalong, Co. Down
Proposal	Proposed Replacement Dwelling

RESPONSE TO REFUSAL DECISIONS

This application has been recommended for refusal based on the case officer's determination that:

1. The proposal is Contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, in that the dwelling to be replaced has already previously been replaced, and as such is not eligible for further replacement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling if permitted; would result in a suburban style build-up of development.

Reason 1:

The case officer's report states that approval for a replacement dwelling was granted previously under application P/1997/0805. Condition 4 of this approval states the existing dwelling shall no longer be used for the purpose of human habitation to prevent the creation of an additional dwelling in this area. However, the existing dwelling has been continuously lived in since the planning approval was granted. Therefore, based on the reason cited on the approval notice, I respectfully contend that an additional dwelling was created 25 years ago by the retention of the existing dwelling and this should be the starting point for any planning assessment. The existing dwelling was investigated by Planning Enforcement in November 2022, and the case has been closed with no further action, thereby confirming immunity from enforcement.

Planning policies have changed significantly since the original replacement approval in 1997 and according to the policy of that time, the original dwelling was eligible for a second replacement after 5 years, as it was not demolished and was still being used as a dwelling. I maintain that the change in policy by PPS21 (to prevent second replacement applications being made) only applies to first applications made since June 2010 and should not be applied retrospectively by 13 years. On this basis, I consider the proposal to be compliant with Policies CTY1 and CTY3.

Reason 2:

The case officer's report states that the proposal would result in a suburban style build up of development along the Mill Road because the building was replaced previously.

Suburban style build up is not dependent solely on numbers and the existing pattern of settlement in the area must be considered. Clusters of dwellings served by a private lane is a common settlement pattern in this area and there are several similar examples along the Mill Road (see images on next page). As shown in the images, clusters of dwellings/buildings are commonplace but cannot be fully appreciated just from

maps. A site visit may be beneficial to fully assess the site specific conditions relating to this application and assist further consideration.

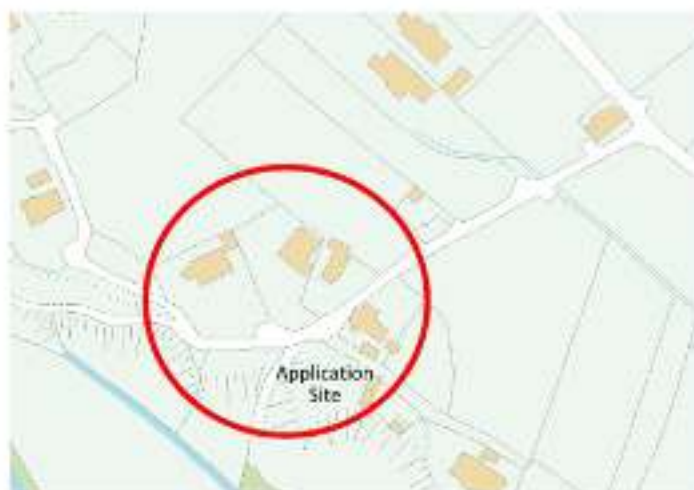
The proposed new dwelling is not visible from the Mill Road, or any public road, therefore it cannot be seen as suburban style build up when viewed in the wider context.

When viewed from the private access lane, the proposal will integrate with the existing cluster of dwellings. This is accepted in the case officer report which states;

"It is considered, given the built-up nature and meandering characteristics of the laneway which is located off the main road that the proposal can be absorbed within the site. It is therefore considered that the proposal is sympathetic to the AONB and would not create or exacerbate any demonstrable harm."

On this basis, I consider the proposal to be compliant with Policy CTY14 in that it respects the existing settlement patterns of clusters as opposed to suburban style build up.

We therefore respectfully request that the Planning Committee overturn the Case Officer's recommendation as the proposal conforms to Policies CTY3 and CTY14 as it is an eligible replacement dwelling



Cluster of existing buildings adjacent to application site served by private lane.



Clusters of existing buildings served by private lane approx. 1.1km NW of application site along Mill Road



Cluster of existing buildings served by private lane approx. 0.6km NW of application site along Mill Road. Planning approval was recently granted within this cluster without creating suburban style build up.

LA07/2022/0934/F

32D Mill Road, Mullartown, Annalong

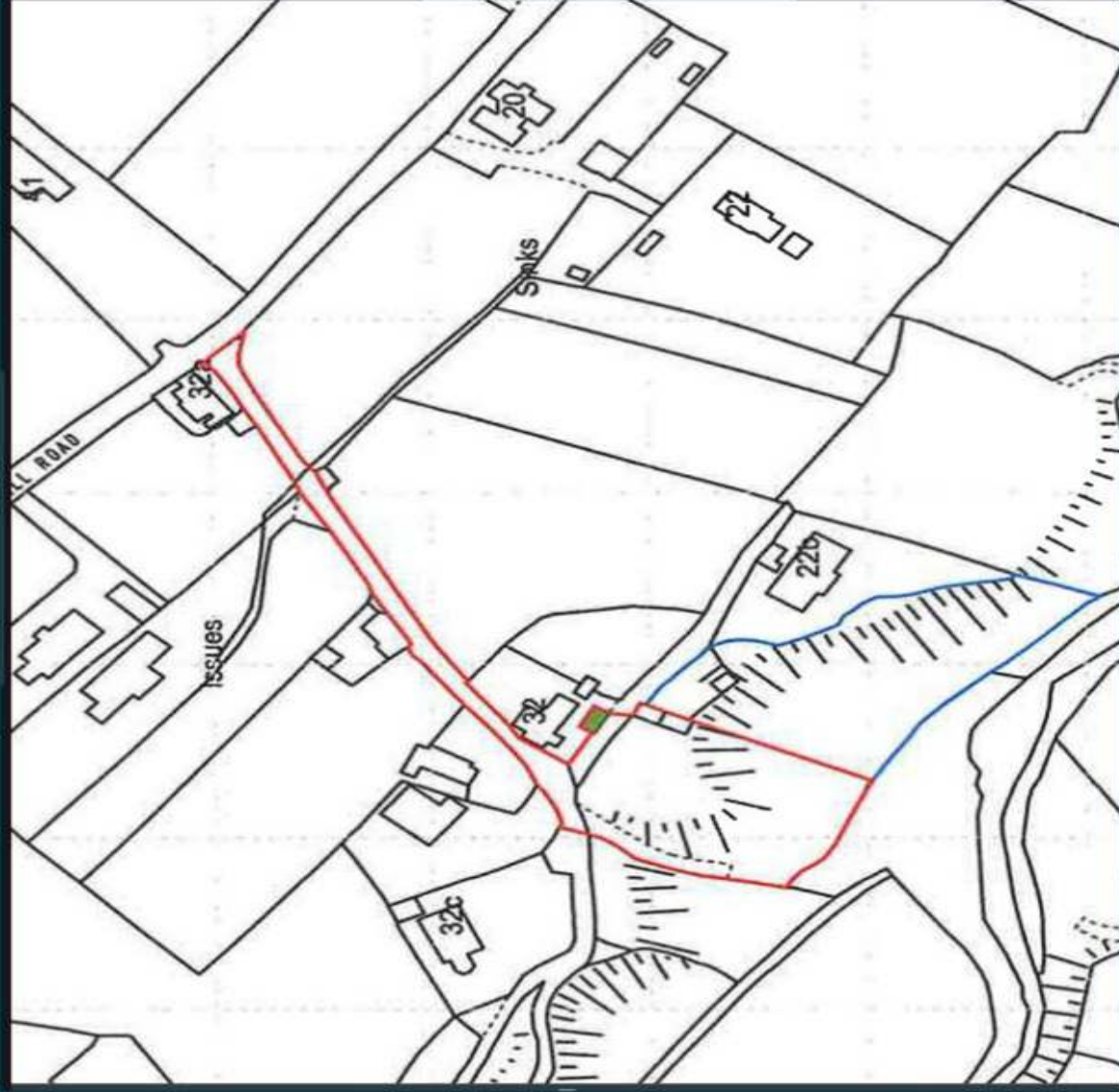
Replacement dwelling



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Site location map



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Proposed site plan



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Subject building for replacement



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NOTE

The subject building has already been previously granted permission for a replacement dwelling under planning ref P/1997/0805, which was enacted and is now known as No.32b.
As such it is not eligible for replacement again.

Recent appeal decision in the Newry, Mourne and Down Council area (LA07/2021/0956), on this very same issue was Dismissed in March 2023. (Appeal Ref 2021/A0200)

Immunity does not justify a further replacement.



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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

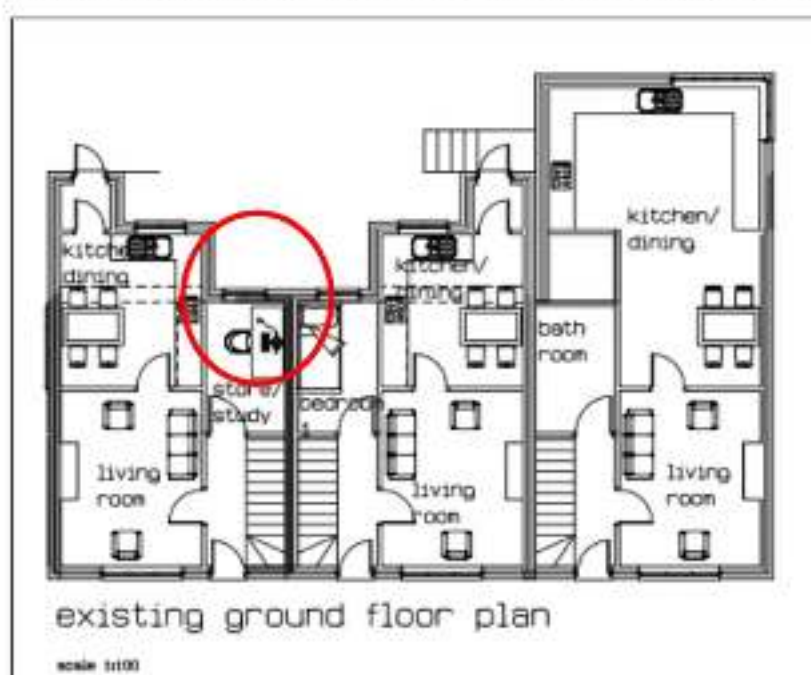


Image 3: Proposed plans



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



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**Newry, Mourne
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District Council

Application Reference: LA07/2022/1384/F

Date Received: 26/08/2022

Proposal: Proposed replacement dwelling & associated site works with retention of existing dwelling for ancillary use.

Location: 50 Carrickbroad Road, Drumintee.

Site Characteristics & Area Characteristics:

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

The site is located on the edge of the public road, at present the site contains a single storey dwelling positioned close to the public road, the dwelling is being lived in at present and is orientated with the gable facing the public road. The curtilage of the existing property is quite restricted, the site area includes an area of grass to the east of the property and also an area of agricultural land further east. The site slopes slightly from the public road to the north.

The site is located within a rural area, there are a number of properties in the vicinity of the site with a range of different house types.

Site History:

LA07/2022/0827/F - Lands on and adjacent to 48 Carrickbroad Road, Drumintee - Replacement dwelling for 48 Carrickbroad Road, which is currently not fit for purpose – Permission Granted 13/12/2022.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Building on Tradition
- Planning Policy Statement 2 Natural Heritage

Consultations:

DFI Roads – No objections raised if the existing dwelling is being lived in which it is.

NI Water – No objections raised.

Objections & Representations:

The application was advertised on 21/09/2022, four neighbouring properties were notified on 16/09/2022, 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 a replacement dwelling in accordance with Policy CTY3.

Principle of Development

Policy CTY3 states that for planning permission to be granted the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantial intact. Policy also states that buildings of a temporary construction will not be eligible for replacement under policy CTY3.

Having inspected the site I am content that the building exhibits the essential characteristics and given that it is currently being lived in.

The principle of a replacement opportunity is considered acceptable although consideration must also be given to all the other criteria set out in policy CTY3.

Policy CTY3, Replacement Dwellings is designed as its title suggests allowing for the opportunity to replace older dwellings which may not be up to modern standards. The proposed development intends to retain the existing dwelling which would not generally be in the spirit of the policy.

CTY3 does have one instance where the retention of an existing building may be acceptable and this is if the building is a non-listed vernacular dwelling. In this case it should be ruled out that the dwelling can be refurbished and improved and that it does not make an important contribution to the locality.

Policy states that if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

The dwelling in question is not considered non-listed vernacular given its design and appearance as such the proposal would not benefit from this provision of the policy.

Aside from the dwelling not being considered non-vernacular the proposed retention is not considered to be sympathetically incorporated into the overall scheme. The retained building will continue to have the appearance of a dwelling and its layout although annotated for use as stores, gym, study and utility will remain the same as the existing dwelling. As such the development will appear as two dwellings located side by side in close proximity on the site.

CTY3 states that proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- 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;

The proposed dwelling is located outside the established curtilage of the existing dwelling, it is considered that the existing curtilage is restricted although it is also considered that the proposed new curtilage is excessive and that a more modest increase would still allow for development providing an acceptable living standard.

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

The proposed development of the new dwelling along with the dwelling to be retained and the large proposed curtilage would be considered to have a cumulative visual impact significantly greater than the existing dwelling.

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

The proposed single storey dwelling is considered acceptable in terms of its design and is similar to other properties in the area.

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

It is considered that service can be provided without significant adverse impacts.

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

DFI Roads raised no issues given that the existing dwelling is currently lived in.

The proposal is considered contrary to Policy CTY 3 as the dwelling to be retained is not considered non-vernacular and its retention is not sympathetically incorporated into the overall scheme, the proposed increase in curtilage is considered excessive and the overall development and retained building will have a cumulative visual impact significantly greater than the existing dwelling.

Policy CTY8

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The application site is not an infill opportunity within a substantial and built-up frontage and instead is considered contrary to this policy as the proposed dwelling will add to ribbon development along Carrickbroad Road when read with No. 48 and the existing dwelling to be retained.

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 located on the edge of the public road and given the proposed new dwelling, existing dwelling to be retained along with large increase in curtilage it would be considered that cumulatively the proposed development would be a prominent feature in the landscape. The proposal will see any existing screening removed to accommodate the new curtilage and so 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. 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, it does not respect the traditional pattern of settlement exhibited in that area and where it creates or adds to a ribbon of development.

As previously stated the site is open and cumulatively the proposal would be unduly prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area. The proposal does not respect the traditional pattern of settlement exhibited in the area given that the proposed retention of the existing dwelling will give the appearance of two dwellings within this rural site, other development is for single properties. A dwelling on the site would add to a ribbon of development along Carrickbroad Road. It is considered that the proposal fails to comply with parts a, b, c 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 involves the removal of some hedgerow for the provision of the new curtilage. This is NI Priority habitat, and the planning authority recommends that existing hedgerow are retained wherever possible as per NIEA NED guidelines and standing advice. Where NI Priority hedgerow is removed, this must be compensated for by new planting of an equal or greater length of mixed native species hedgerow. Having considered the subject hedgerow, the planning authority would have no objections to the proposal given the compensatory planting proposed.

Aside from hedgerow issues the proposal is considered unsympathetic to the special character of the AONB for the reasons highlighted under policies CTY3, CTY 8, CTY13 and CTY14 and therefore fails this policy criterion.

Access and Parking

DFI Roads stated in their response that there are no objections to the proposal and as such the access and parking at the site are seen as acceptable. The proposal is in general compliance with PPS 3.

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 CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the dwelling to be retained is not considered non-vernacular and its retention is not sympathetically incorporated into the overall scheme, the proposed increase in curtilage is considered excessive and the overall development and retained building will have a cumulative visual impact significantly greater than the existing dwelling.

3. 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, add to ribbon development along Carrickbroad Road and does not represent an exception to policy.

4. 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 the development 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.

5.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 development would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in that area 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.

6. 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: 02/05/2023
Authorised Officer:	Ashley Donaldson	Date: 04.05.23



LA07/2022/1384/F - Proposed replacement dwelling & associated site works with retention of existing dwelling for ancillary use

Introduction

This application is for a replacement dwelling on Carrickbroad Road, Drumintee, Newry. The principle of replacement under PPS 21 Policy CTY 3 has been accepted by the Planning Department. The Planning department has refused this application primarily under Policies CTY 13 & 14 primarily on lack of integration and the proposal adds to ribbon development along Carrickbroad road.

There have been no objections from any Consultees or any third parties.

The question for the Planning Committee is whether the proposed dwelling is acceptable in terms of siting, visual impact and integration. Also, to be considered is, if the existing dwelling can be retained for use as a domestic store, office and gym as an ancillary building to the new dwelling. The Applicant provided various applications of similar nature to this proposal where the dwelling to be replaced has been retained as ancillary to the new dwelling.

The Applicant wishes to retain the existing dwelling but replace it with a more modern style and moderate size family dwelling.

The existing dwelling holds memories for the Applicants, as it has been in the family for many years and the Applicant wishes to retain it for sentimental reasons.

History of the application

The Applicant initially applied for a replacement dwelling and a double garage with the existing dwelling outside of the proposed curtilage of the new dwelling and garage. After discussions with the Planning Officer, the Applicant then increased the curtilage to include the existing dwelling, so that the 3 buildings would be read as one plot.

This was rejected so the Applicant removed the proposed garage from the application with the existing dwelling to be turned into a garage and home office with a gym.

The Applicants were confident that this would be approved by the Council but unfortunately this was not the case.

Reasons for approval

The Officers' assessment of the failure to respect the settlement pattern is based upon their impression this will be read as two houses – which it will not, because the dwelling will be modified and will clearly appear subservient to the new dwelling. It will always retain the

characteristics of an old dwelling but it will be abundantly clear it has been replaced with a new house.

The Council are concerned about eroding the countryside and that this proposal doesn't reflect the traditional pattern of development in the area. Please refer to attached colored map.

The length of the application plot frontage of 60m is similar to neighbouring plot frontages and the area of the plot 0.21 hec is smaller than other plots sizes close to the application site.

Immediately adjacent to the application site at no. 48 Carrickbroad Road, there was a replacement dwelling approved LA07/2022/0827/F with a plot frontage of 60m and an area of 0.24 hec. This recent approval is similar to our application in that it requires some new landscaping for integration. It is felt that integration only arises because officers fear there will be an impression of two houses on the site, when that will not actually be the case.

Directly opposite the application site, no. 53 Carrickbroad Road, the site frontage is 55m and has a plot size of 0.39 hec. The Applicant would argue that the application site is within keeping with the locality typical site frontages and plot sizes.

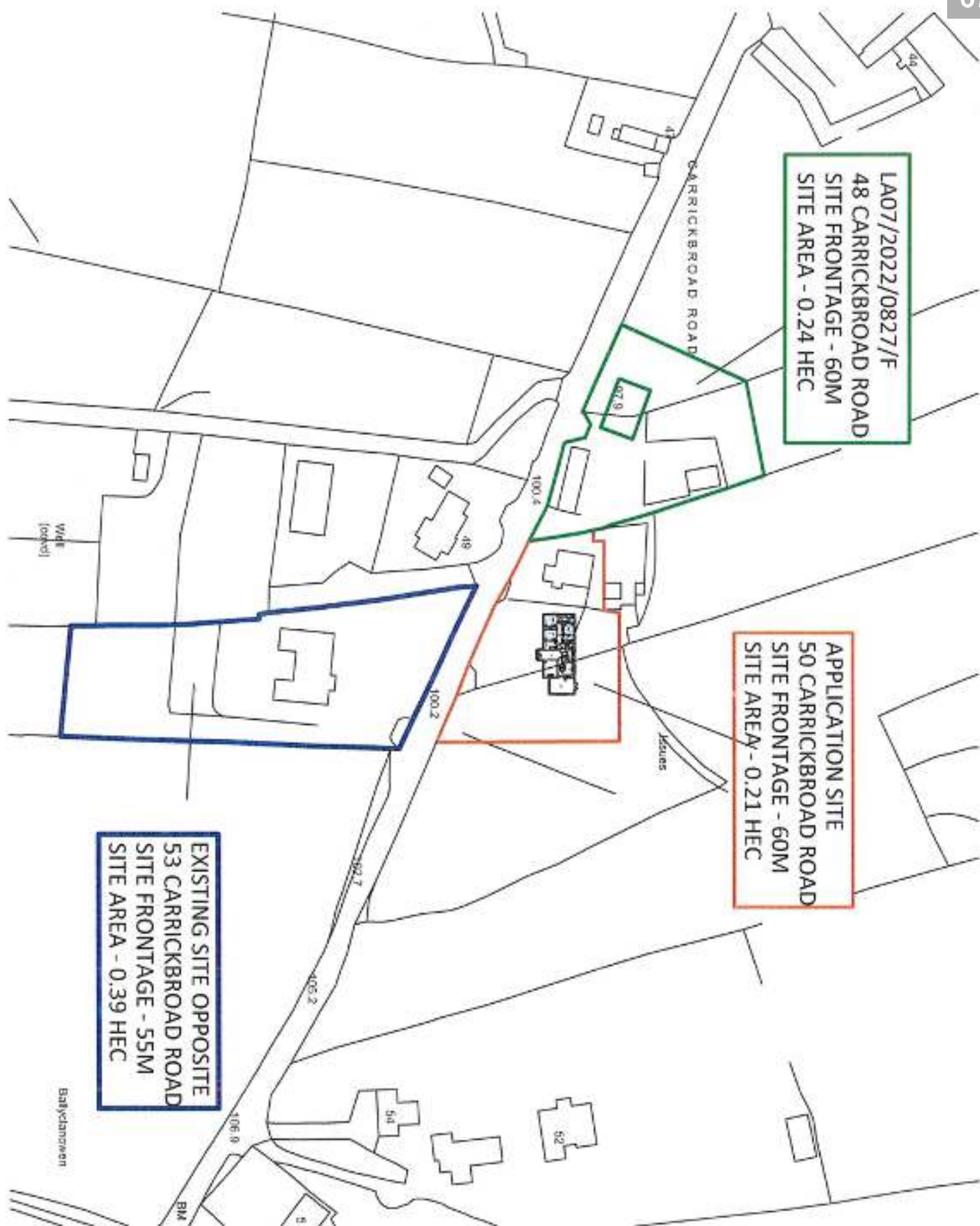
Conclusion

We are pleased that the Members of the Planning Committee present can have an opinion of this application because there has been no analysis of the actual pattern of development on Carrickbroad Road, as per the planning report.

It is evident that the Planning department didn't investigate the adjacent approved replacement dwelling site in relation to plot size and site frontage. Had a thorough analysis of adjacent sites and plots been carried out then officers' perception would have changed significantly, and it would likely have concluded that the pattern of development is in keeping with the existing development on the ground hence the need for Members to intervene now, to avoid an unnecessary appeal or an unlawful decision being arrived at.

It would be of great benefit if the Planning Committee were to visit the site, so they could view all existing housing positions, plot sizes, and get a 'feel' for the Carrickbroad Road. They would see the siting of the proposed house for themselves and how the existing dwelling, to be retained, will replace the need for a new garage, which arguably would have been suburban and less sympathetic than this proposal. They will see that the proposed site isn't prominent in the landscape and doesn't erode the countryside, as suggested by the Planning Department.

We thank the Committee for the opportunity to present our case to overturn the Planning Departments decision to refuse this application.



LA07/2022/1384/F

50 Carrickbroad Road, Drumintee, Newry, BT35 8TQ

Proposed replacement dwelling & associated site works
with retention of existing dwelling for ancillary use.



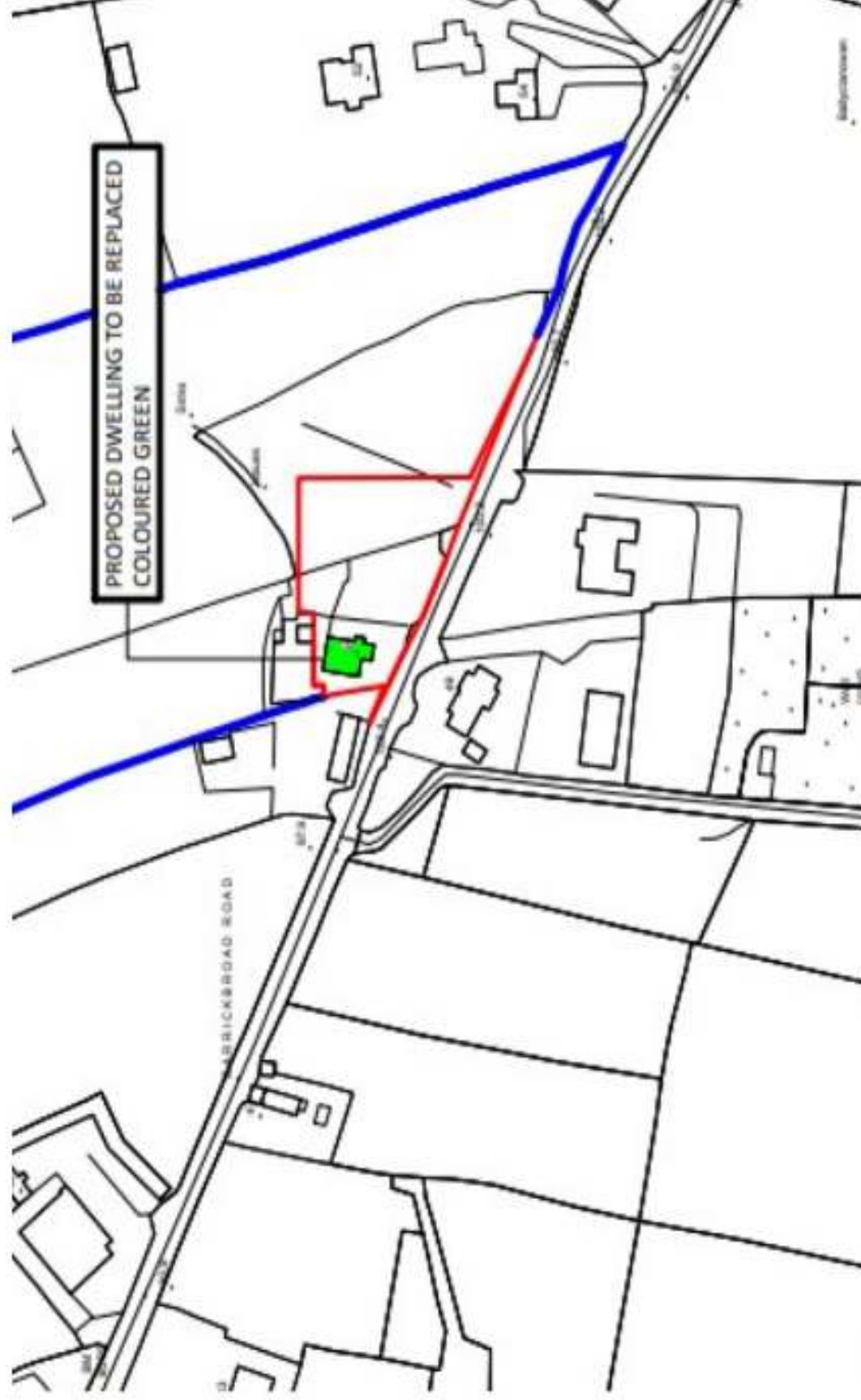
Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**
District Council

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



Site Location Plan





Aerial of Site



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

www.newrymournedown.org



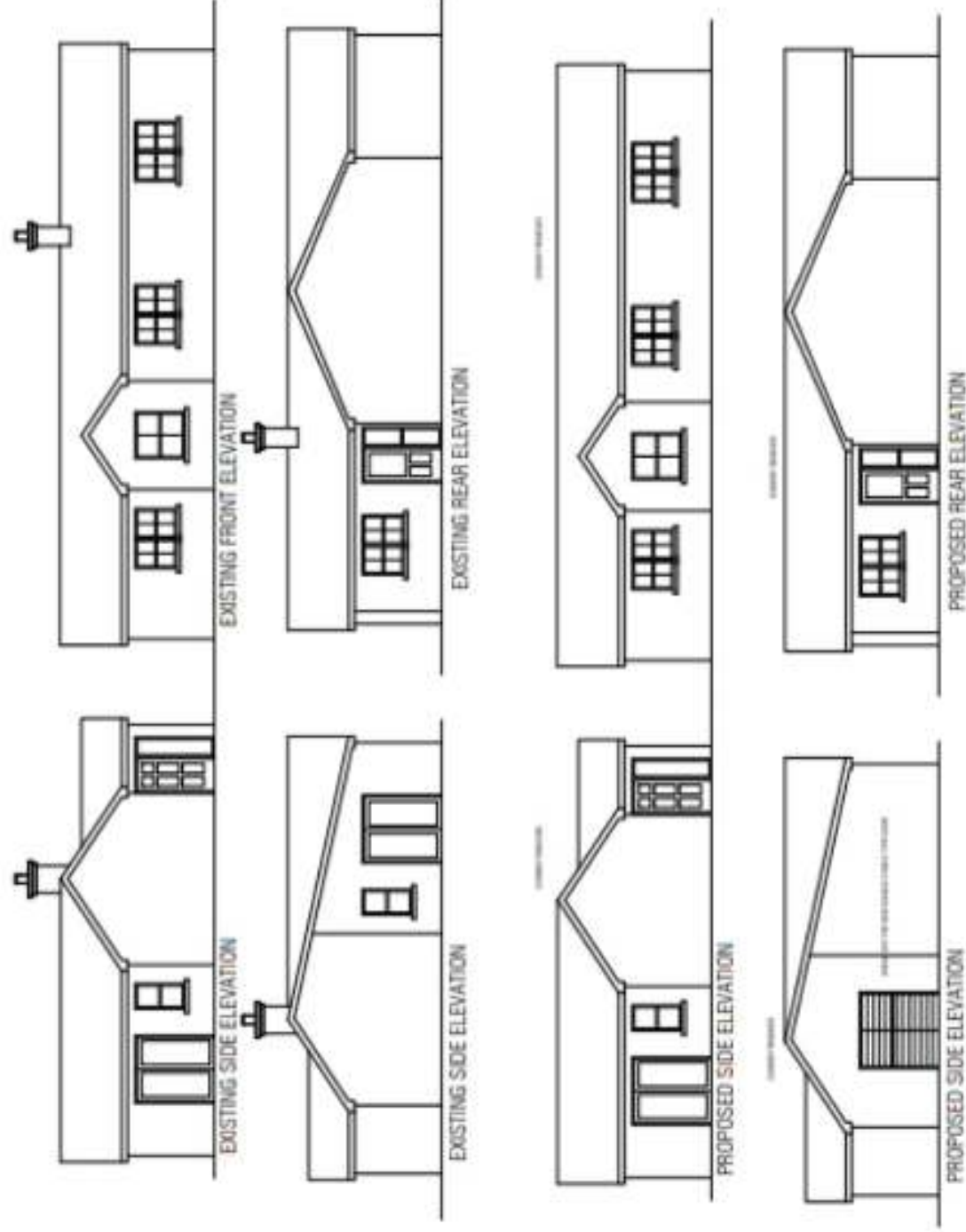
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View of existing dwelling from public road.





Images showing plans of existing dwelling and how it is to be retained, plans show very little alterations.





Picture showing view of site from public road including the existing dwelling which is to be retained.





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

Application Reference: LA07/2022/1433/F

Date Received: 05.09.2022

Proposal: Extension of curtilage, proposed erection of detached garage (in substitution of that approved under LA07/2016/0442/RM) and associated landscaping

Location: 80 Upper Dromore Road, Warrenpoint, BT34 3RW

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located outwith the settlement development limit as defined within the Banbridge, Newry and Mourne Area Plan 2015. The application site has been screened using online tools for any historic and natural environment designations. The application site is located within the Mourne Area of Outstanding Natural Beauty.

1.2 The dwelling is located on the Upper Dromore Road, Warrenpoint. There are a number of dwellings within the surrounds and the area could be described as suburban. The property is a two-storey property with private amenity space to the front and rear of the property. The site benefits from off street parking and is bounded via a mixture of walls, post and wire fence as well as hedging and trees.

1.3 The proposal incorporates the extension of curtilage and the erection of a detached garage (in substitution of that approved under LA07/2016/0442/RM). The images below are a selection of images that relate to that previously approved and that proposed and build up an understanding of the proposal prior to beginning assessment.

- Image 1 – Photograph of the application site from the Road.
- Image 2 – Extract illustrating previously approved site plan
- Image 3 – Extract illustrating previously approved garage elevations
- Image 4 – Extract illustrating proposed site plan

- Image 5 – Extract illustrating proposed garage elevations

Image 1 Photograph of the application site



Image 2 Extract from drawing P02 B from application LA07/2016/0442/RM illustrating approved curtilage and garage position



Image 3 Extract from drawing P08B Garage Elevations and Floor Plans from application LA07/2016/0442/RM illustrating the proposed elevations

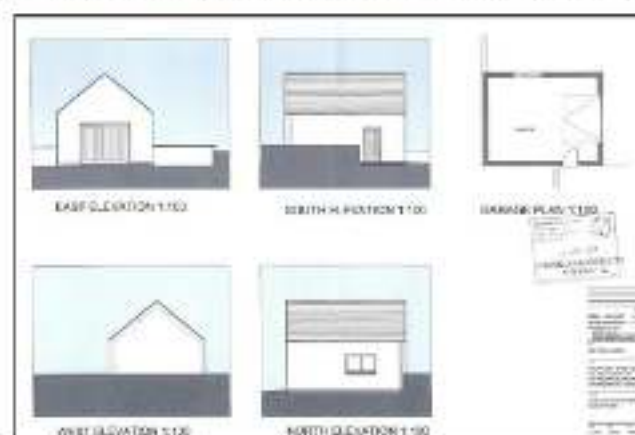


Image 4 Extract from drawing P01 A illustrating the proposed curtilage extension and garage placement



Image 5 Extract from drawing P01 A illustrating the proposed garage elevations and floor plans



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
- Building on Tradition- Sustainable Design Guide
- PPS 2 Natural Heritage
- PPS7 (Addendum) Residential Extensions and Alterations Policy EXT 1
- PPS21 Sustainable Development in the Countryside

3.0 Site History

3.1 There are a number of known planning applications associated with the application site:

- P/2014/0699/O at Lands adjacent to and north of 78 Upper Dromore Road, Warrenpoint, BT34 3PN for Proposed site an infill dwelling, associated access and site works – Approved
- LA07/2016/0442/RM at Lands adjacent to and north of 78 Upper Dromore Road, Warrenpoint, BT34 3PN for Proposed private dwelling with detached garage – Approved
- LA07/2022/0519/F at Lands adjacent to and north of 78 Upper Dromore Road, Warrenpoint, BT34 3PN for Domestic Garage – Invalid Application

4.0 Consultations

4.1 Due to the nature of the application and given the previous approval on the application site it was not necessary to consult on this application.

5.0 Objections and Representations

5.1 3 Neighbours were notified as part of the application process. The application was advertised on the 28th September 2022. No objections have been received to date (07.06.2023)

Correspondence with the Agent/Applicant

5.2 An email was issued to the Agent on the 16th November 2022 setting out that the extension of curtilage is considered unacceptable. The limit permissible that was approved under reference LA07/2016/0042/RM is considered to provide a substantive curtilage to the applicant and the Planning Department would urge the applicant to revert back to this. A rebuttal was received and a revised plan on the 8th December 2022; this will be assessed within the assessment section of this application.

6.0 Assessment:

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 outwith 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), Addendum to Planning Policy Statement 7: Residential Extensions and Alterations and Planning Policy Statement 21.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) sets out the transitional arrangements that will

operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the Newry, Mourne and Down District Council area, both the SPPS and other regional policies apply. In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and the Addendum to Planning Policy Statement 7 'Residential Extensions and Alterations' (APPS 7) provide the relevant policy context for assessing this application.

Policy CTY 1 of PPS 21 directs consideration of an extension to a dwelling in the countryside to APPS 7. Policy EXT 1 of APPS 7 states that planning permission will be granted to extend or alter a residential property where all four criteria are met. It goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against these criteria.

As set out above this application is for an extension of curtilage to the dwelling to provide for a revised garage positioning and design. The garage is to be split internally to include a garage and stalls/stables (domestic) and tack room.

The erection of this garage and stall/stable building represents operational development, while the extension to the curtilage to facilitate these operational elements represents a change of use of the land.

The proposed garage is to be located to the rear of the dwelling on an extended curtilage which is on elevated ground above that of the dwelling. The building will front towards the road with a roller shutter door on the front return.

The proposed garage has a proposed height of 6m, width of 7.2m and length of 15.5m. The proposed finishes include natural slate roof, smooth grey render walls and upvc windows and doors.

The key paragraph in the APPS7 is A24, which states:-

'The impact of an extension or alteration on the visual amenity of the countryside and, in particular, Areas of Outstanding Natural Beauty needs to be considered. Proposals should be in keeping with the character of the existing property and its countryside setting. Through poor design the individual and cumulative effect of extensions and alterations which are disproportionate in size to the existing property, or which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character'.

The Planning Department have no objections to the principle of a garage at this property, indeed one was approved with the dwelling, The concern of the Planning Dept is the siting and associated unnatural sizeable increase to the site curtilage.

The building and associated ground works will be visible when approaching the site from the north and when passing by the frontage of the site, however it is acknowledged the existing built form and natural screening/planting will partially restrict views.

The proposed extension of curtilage however extends and intrudes approximately 30m further into the countryside from the approved and existing rear boundary and has a width of approximately 20m, and as such would result in a detrimental change to the rural character. The Planning Department would consider the extent of the current approved curtilage is more than sufficient to house both the dwelling and garage, and there is no need or justification for this sizeable extension of curtilage, and no overriding reasons why the proposed development is essential in this location and could not be located within the approved curtilage.

In summary it is considered the proposals are contrary to the Addendum to PPS 7 for the reasons listed.

There is NO policy support for the extension to curtilage. As there has been no overriding reasons provide why the proposed development is essential in this location and could not be located within the previously approved curtilage, the proposed development is not considered acceptable in principle in the countryside, thus is contrary to Policy CTY1 of PPS21.

Privacy/Overlooking

Whilst there is no current neighbouring dwellings north of the application site one has been previously approved under LA07/2018/0785/O. It is considered however there would be no overlooking or privacy issues associated with the application due to the fact there are no windows or doors to that side of the proposed garage.

Dominance/Overshadowing/Loss of Light

As set out above having assessed the application against the above heading it is considered that the garages proportions and massing is acceptable in principle. With regards to any potential neighbouring dwellings it is considered that the proposal would not have an impact in terms of dominance, overshadowing nor loss of light as the outline of the proposed dwelling is forward of the garage.

Loss or Damage to Trees/ Landscapes

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

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

Building on Tradition – A Sustainable Design Guide

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 garages and extensions to properties there is varied guidance contained within the document which is relatable to all proposals 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

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. Whilst the built development of the garage would not be considered to be detrimental to the AONB the placement of the garage would. It is considered that the proposed extension of curtilage would cause detrimental sprawl into the countryside and therefore would be contrary to Policy NH6 of PPS 2.

Summary

Taking into account the above, Refusal is recommended.

7.0 Recommendation Refusal

7.1 Drawings in which the application relates to P01A

Reasons:

- 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement/approved curtilage.**
- 2. The proposal is contrary to Policy NH6 (criteria a) of Planning Policy Statement 2 – Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting and extension of curtilage which does not respect the distinctive character and landscape quality of the locality.**
- 3. The proposal is contrary to Policy EXT1 and Annex A of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations,**

in that the development would if approved require the use of lands outside the established curtilage of the property and would therefore result in a detrimental change to the rural character.

Case Officer Signature: Roisin McGrane Date: 07.06.2023
Appointed Officer Signature: M Keane Date: 07-06-23

The first refusal reason relates to Policy CTY 1 of PPS 21, stating that the proposal is contrary to same. Policy CTY1 of PPS21 indicates that planning permission will be granted for outdoor sport and recreation uses in accordance with PPS8. Inexplicably, officers have not referred to PPS 8 in their assessment of the proposal.

Whereas officers appear to assume "need" for the curtilage extension / stables must be proven, the PAC has ruled extensively this is not the case. This was explained in recently-submitted supporting documentation but not acknowledged in the planning report.

The PAC has consistently ruled that "none of the listed criteria to be met under Policy OS3 entails provision of supporting information to demonstrate that there is a need for this type of development within the rural area. The PAC has also ruled that the policy does not distinguish between domestic or commercial usage to justify proposed development but this has not been acknowledged nor considered by officials in their assessment of the application.

In a recent decision at Donaldsons Road, Crossmaglen, (LA07/2022/0081/F) the Council approved stables, correctly applying the aforementioned principles that have been well established by the PAC. It is unclear why a different approach was taken in this instance, or why officials failed to acknowledge a key policy that provides outright support for this proposal. While the proposal includes a garage in addition to stables / stalls, a horse trailer would typically be stored in a garage (in addition to domestic storage), so there is no plausible explanation for the omission of any reference to OS 3.

The second refusal reason given by the planning department states the proposal is contrary to Policy NH6 of PPS 2. However, the extended curtilage does not breach the established building line along this part of the Upper Dromore Road, nor is the proposed siting of the garage uncharacteristic compared to other properties along this part of the road. There is a gradual increase in the level of the road as you travel north along the Upper Dromore Road and this sets the pattern of development. The applicant's dwelling sits at a higher level than no.78, whilst no.82 sits at a higher level than the applicant's dwelling and so on. Whilst the proposed garage would be sited at a higher level than the finished floor level of the applicant's dwelling, the ridge height of the proposed garage will not tower over the existing dwelling or of any neighbouring dwellings to the north, due to the increase in the land levels.

The planning department have not elaborated on why it feels the proposal is contrary to Policy NH6 of PPS 2. They seem to infer that simply because the curtilage is proposed to be extended in the countryside it is therefore contrary to policy (notably EXT 1 of the Addendum to PPS 7, not OS 3 of PPS8, which is the correct Policy). This is despite the fact that in the opening section of their report, they described the area as being suburban, which indicates that the rural character of the area is non-existent. There was an onus upon the planning department to set out what the special character of the area and AONB is, and how the siting of the garage will offend this, but this has been overlooked. The proposal will not have an adverse impact on features of importance to nature conservation, archaeology or built heritage.

The applicant does not own the land beyond the application site and it would become waste ground if this application is refused, as the only way to access it is through his property. It does not act as a visually important piece of rural land in the surrounding landscape.

When dealing with an appeal for a dwelling on an adjacent site (2019/A0064) the PAC acknowledged that the site lay in an urban fringe area, where the distinction between the urban and rural had been marred by the nursing home and the existing developments. The commissioner was content that a dwelling and garage would not create a prominent feature due to the character of the area and the marring of any distinction between rural and urban areas, and this should reassure Members that the

second and third refusal reasons are unwarranted i.e. the character of the area is not distinctive or rural even.

Officers state that the limit of the curtilage shall be as approved under the previously approved Reserved Matters application (LA07/2016/0442/RM). This is an arbitrary statement and contains no analysis or assessment whatsoever. The planning department's position does not take into consideration the fact that the proposed building includes stables, or how a rural dweller could otherwise accommodate horses or horse boxes in a restricted back yard.

The planning department have not shown how the proposal would have any adverse visual impact. No images have been included, on approach from the north (which was specifically referred to in their report). The failure to show demonstrable harm, combined with the failure to articulate why the approved curtilage is the absolute limit renders this recommendation not sound.

It is stated in the case officers report that the building and associated ground works will be visible when passing by the frontage of the site. The correct planning test is not invisibility however.

The planning department acknowledges that the existing built form and natural screenings will partially restrict views into the site, undermining their previous statements that the proposed siting is an issue.

The final refusal reason stems from one sentence within Policy EXT1 and Annex A of the Addendum to Planning Policy Statement 7 – this sentence states that extensions which are disproportionate in size to existing properties, *or which require land outside the established curtilage* “will result in demonstrable change in rural character” (but planners already conceded this area is suburban and not rural). That statement is carried as an expression of fact when it cannot apply to every situation in the countryside. Further, as it is only a statement carried in the policy's supplementary guidance, it cannot be elevated in standing above the bold text in the policy headnote. The planning department has therefore attached too much weight, wrongly, on associated guidance and has applied this as if it were policy (notwithstanding it has failed to recognise OS 3 of PPS 8 takes precedence). Allowing such an error in law to prevail would result in the unnecessary refusal of planning permission and could expose the Council to an award of costs, if it had not already undermined the veracity of the decision-making process. Further to this, the planning department have not considered the policy in its entirety, or fulfilled its obligation to arrive at a balanced decision by considering all issues.

The planning department seem to disregard the applicant's claim the property does not have sufficient private amenity space. While there is a large area to the front of the site, it is not private. The house was set back from the road to gain privacy and a setback, but with the plot unnaturally and unnecessarily cut short the applicant can now put the back land to better use than originally anticipated.

Officers have not acknowledged or shown any consideration of the applicant's claim that if the previously approved garage is constructed, he will not have any access to the rear of his property. That is a health and safety concern, as it would impede access for emergency services, but it would also leave it unacceptably difficult to maintain the grounds at the rear of the house. In omitting to mention this the Council has not shown regard to all material considerations, again rendering this recommendation un-sound. The planning department do not have any concerns in relation to privacy, overlooking, dominance, overshadowing, loss of light or loss of trees or damage to landscape, begging the question, how this proposal will result in a detrimental change to the rural character.

In light of the planning department's failure to have regard to the proper planning policy, and given that the applicable Policy (OS 3 of PPS 8) operates a presumption in favour of equestrian uses in the countryside, the Committee is respectfully requested to overturn this refusal recommendation.

LA07/2022/1433/F

80 Upper Dromore Road, Warrenpoint, BT34 3RW

Extension of curtilage, proposed erection of detached garage (in substitution of that approved under LA07/2016/0442/RM) and associated landscaping



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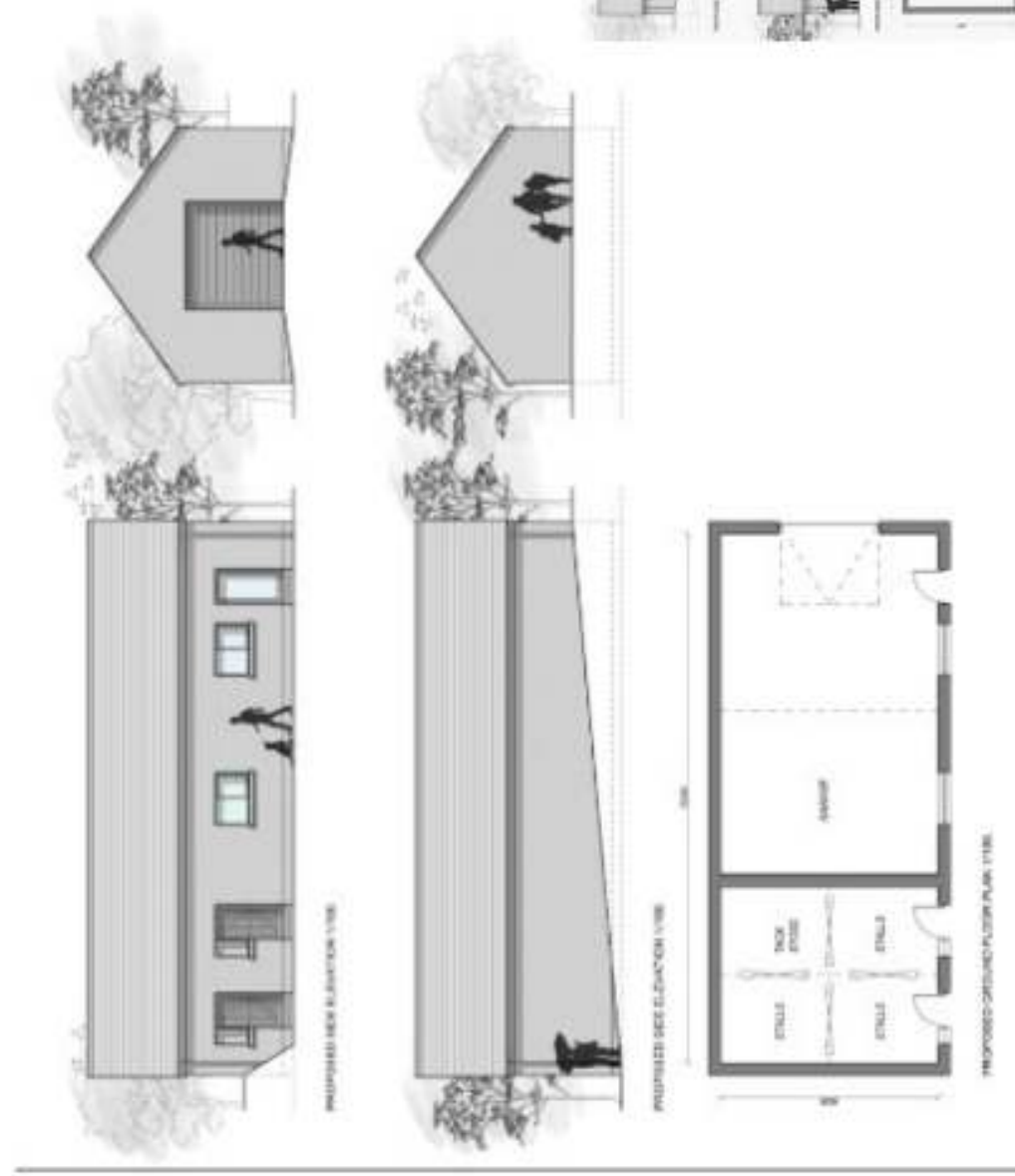


Site Location

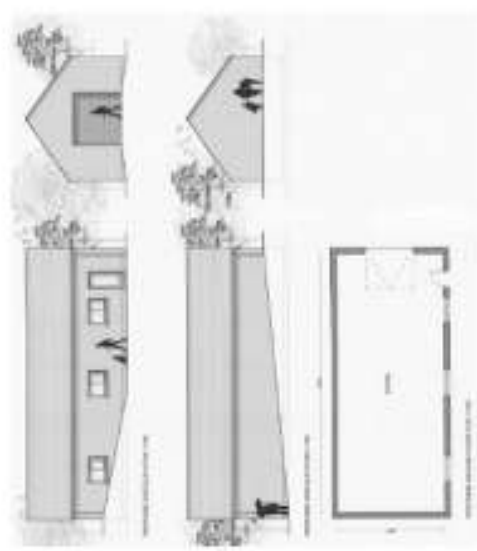




Proposed plans



Original proposal.
Garage only





Application site (Blue square) in relation to extent of settlement limit (Black line)



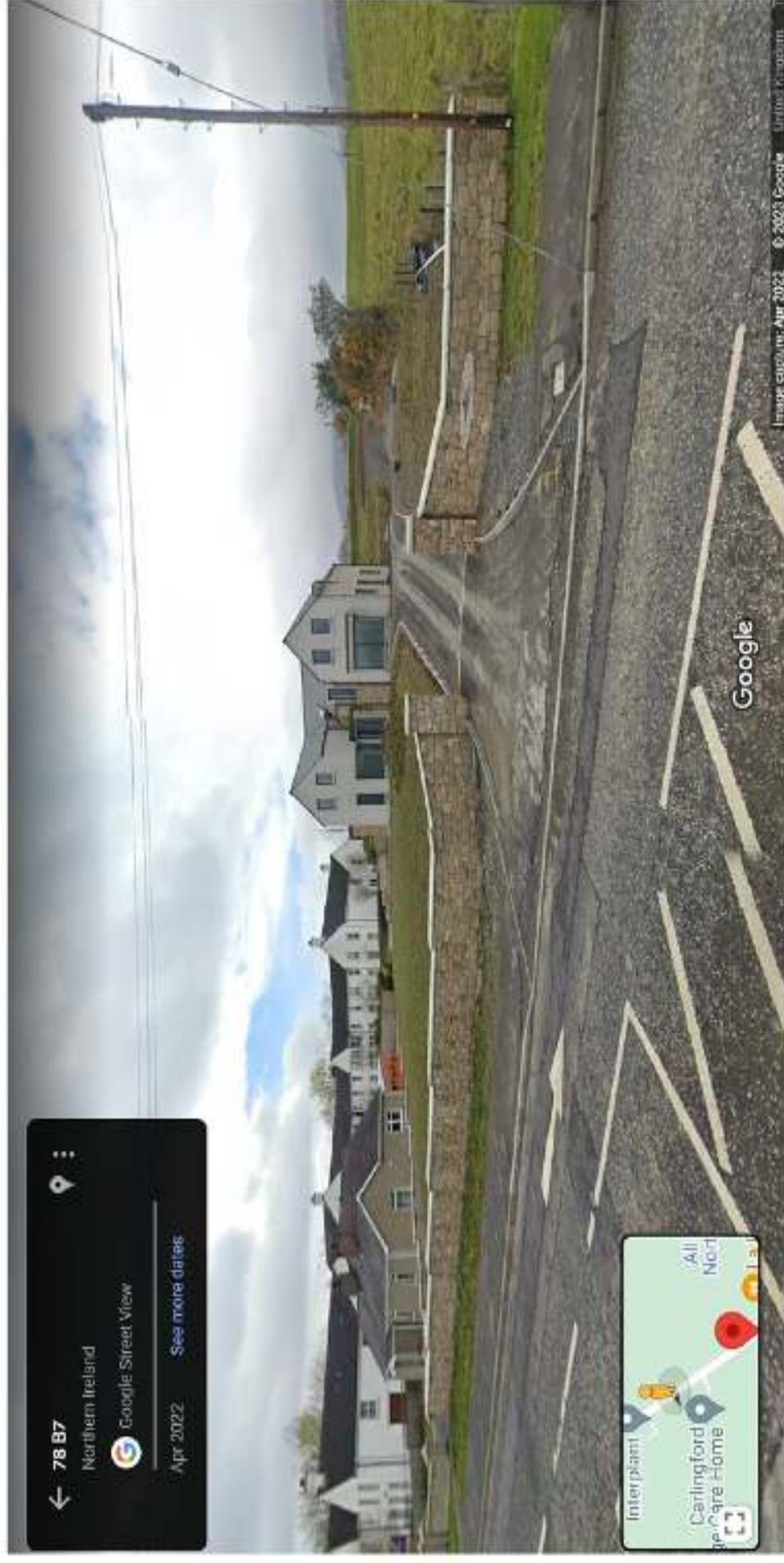
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91



Streetview image of site





Taken from agents aerial

Red line denotes
approved curtilages
of 2 props to north,
both of which
appear to have
unauthorised
extended curtilages.
Being investigated.





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**Newry, Mourne
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District Council

Application Reference:

LA07/2022/1808/F

Date Received:

17.10.2022

Proposal:

Erection of dwelling and detached garage on a farm

Location:

Approximately 15m north east of 10 Billy's Road

Newry

Co. Down

BT34 2NA

Site Characteristics & Area Characteristics:

The site is within the rural countryside and is outside any settlement development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP, 2015).

The site is to the north-east of No. 10 Billy's Road, Newry. The application site is accessed via a private laneway that also serves a number of adjacent dwellings. The application site is defined by post and wire fencing, sparse hedging and a low stone wall at some sections. Mature trees also line sections of the site's boundaries. The site rises towards the northern boundary and is currently used as agricultural land. The sheds associated with the farm holding are located approx. 60m south from the application site.

The surrounding area is predominantly rural in nature and characterised by agricultural land and detached dwellings and farm buildings. Billy's Road has become somewhat built up in recent years given the existing buildings and approvals along this stretch of the road.



Aerial view of application site outlined in red



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: A Sustainable Design Guide for the NI Countryside

Site History:

Application site:

- P/1996/0033 – Site for dwelling – Permission refused
- P/1998/0033 – Proposed farm retirement dwelling – Permission refused

A history search for the lands within the farm holding was carried out and the relevant planning history is listed below.

- P/2009/0223/F - Lands 175 metres north east of No 14 Billys Road, Ballyholland, Newry (amended siting) - Proposed erection of replacement dwelling with domestic detached garage – Permission granted June 2009
- P/2009/1391/F - 65m East of 9 Billys Road Ballyholland, Newry - Erection of dwelling – Permission granted April 2010
- P/2012/0469/RM - 7 Billys Road Ballyholland – Erection of a replacement dwelling and detached garage – Permission granted September 2012

Consultations:

- DfI Roads had no objections subject to conditions.
- NI Water recommended approval.
- DAERA advised that the farm business has been in existence for more than 6 years (business ID allocated 1992), the farm business has claimed payments in each of the last 6 years and the application site is on lands which payments are currently being claimed for.

Objections & Representations:

Neighbour notification letters were issued to 2 addresses 6th January 2023.

The application was advertised in the local press 21st December 2022.

Further information and amended plans were received (amendments to house type reducing the scale). Given the nature of this information, it was not considered necessary to re-notify neighbours or re-advertise the application.

No objections or representations received to date (07.06.23).

Assessment

Proposal

The proposal is for the erection of a farm dwelling and domestic garage. The proposed farm dwelling is 1 1/2 stories in nature with a single storey front porch and single storey rear return. The proposed finishes include; Bangor blue natural roof slates, cast iron rainwater goods, painted smooth rendered walls and uPVC windows and doors. The proposed double garage is single storey with finishes to match the dwelling. The new boundaries are to be defined by a Hawthorn hedge and the existing southern boundary is to be retained. Access is to be taken off the private laneway, to the east of No. 10 Billy's Road.

Note: Originally, the submission included a 2 storey front porch and the rear return extended further back. The Department relayed concerns regarding this and amendments were submitted reducing the front porch to single storey and reducing the length of the rear return by approx. 1.5m.

The proposal is shown below.



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. As the site is located outside the development settlement limits as designated in the BNMAP 2015, the principle of development is established under PPS 21: Sustainable Development in the countryside, Policy CTY10 – Farm Dwellings. The principle of development is established under policy CTY10 – Dwellings on Farms, PPS 21 'Sustainable Development in the Countryside'.

As established above the principle of development is outlined in Policy CTY 10 – Dwellings on Farms which states planning permission will be granted where the following criteria is met –

- a) The farm business is currently active and has been established for at least 6 years.
 - b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
 - c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - 1. Demonstrable health and safety reasons; or
 - 2. Verifiable plans to expand the farm business at the existing building group(s).
- a) As outlined above, within DAERA's response it was confirmed that the farm business ID has been established for more than 6 years. DAERA also advised that SFP has been claimed in each of the last 6 years. In consideration of this information, I am satisfied that the farm holding has been active and established for the last 6 years.
- b) As noted above, the history search indicated a number of relevant planning histories associated with the farm holding. The agent has provided a letter, land registry maps and folio's confirming that the lands associated with previous approved planning applications (P/2012/0469/RM, P/2009/0223/F and P/2009/1391/F) were transferred from the farm holding outside of the requisite period. I am satisfied that 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.
- c) The proposed dwelling is to be sited east of No. 10 Billy's Road. The farm buildings are located approx. 70m south from the application site, on the other side of Billy's Road. The farm business is registered to No. 5 Billy's Road

which is approx. 160m west from the application site. Land associated with the farm holding is sited both sides along this stretch of Billy's Road.

The application site is outlined in red below. The orange dots denote the buildings on the farm and the purple dot denotes No. 10 Billy's Road which is owned by the farmer's son, who is not listed as an owner of the farm.



The Planning Department advised the agent that the proposed siting of the dwelling is considered to be contrary to criterion (c) of CTY 10 in that the proposed dwelling will not be visually linked or sited to cluster with an established group of buildings on the farm. The Agent was asked to provide evidence to show that No. 10 Billys Road is considered as a building on the farm as the P1C form lists only one owner of the farm who resides at No. 5 Billys Road. As such, No. 5 Billy's Road is considered the principal farm dwelling. Moreover, the Agent was advised that sufficient information has not been submitted to demonstrate there are health and safety reasons or verifiable plans to expand the farm business at the existing building group to support the alternative siting away from the group of buildings.

In response, the Agent advised that No. 10 Billy's Road is owned by the farmer's son. The Agent acknowledges that the farmer's son is not listed as an owner of the farm holding and as such, the Department are of the opinion that No. 10 cannot be considered as a building on the farm for the purposes of this policy.

In contest, the Agent has advised that the farmer's son and owner of No. 10 Billy's Road assumes a lot of responsibility for daily operations on the farm.

The Agent has also referred to Part 7 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 whereby Class A.2 Part (d) states that "agricultural unit" means land which is occupied as a unit for the purposes of agriculture other than fish farming but includes any dwellinghouse or other building occupied by the same person for the purpose of farming the land by the person who occupies the same unit." As such, the Agent is advising that No. 10 Billy's Road can be considered as an agricultural building that is part of the applicant's farm holding.

Policy CTY 10 does not make any reference to an 'agricultural unit' but instead refers to an "established group of buildings on the farm". As such, the reference to the definition of an 'agricultural unit' as per The Planning (General Permitted Development) Order (Northern Ireland) 2015 is somewhat irrelevant in this matter.

Although the Agent has claimed that No. 10 Billy's Road is associated with the functioning of the farm business given that the owner of No. 10 (son of the farm owner) helps out on the farm, no persuasive evidence has been submitted to substantiate this. As such, the Department considers the main farmhouse to be No. 5 Billy's Road and the buildings denoted by orange dots on the image above to be the buildings on the farm holding for the purposes of Policy CTY 10.

The Agent has advised that No. 10 Billy's Road was approved as a farm dwelling in 2010 under planning reference P/2009/1391/F. The Planning Department do not contest this. However, the Agent provided the Department with a solicitor's letter folio details and land registry maps which essentially show that the approved development site at No. 10 was transferred to the farm owner's son in December 2010. This evidence allows me to conclude that No.10 is no longer part of the farm holding.

Policy CTY 10 provides scope for a dwelling on a farm conditional upon certain criteria being met; one of which requires the dwelling to be sited to visually link or sited to cluster with an established group of buildings. Paragraph 5.41 of the Justification and Amplification section states that to help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

Travelling east and west along Billys Road, the proposed dwelling would be visible upon approach towards the application site whereby the views would be as shown below.



Travelling east along Billys Road towards application site



Travelling east along Billys Road towards application site

Whilst the proposed dwelling would be seen in proximity to the farm group when travelling in both directions along Billys Road, the intervening physical separation would be readily apparent which is intensified by the intervening road and mature vegetation.

Rather than the proposed dwelling being visually interlinked with an established group of buildings on the farm as required by policy, it would visually link with the immediately adjacent residential development to the west, No. 10 Billys Road.

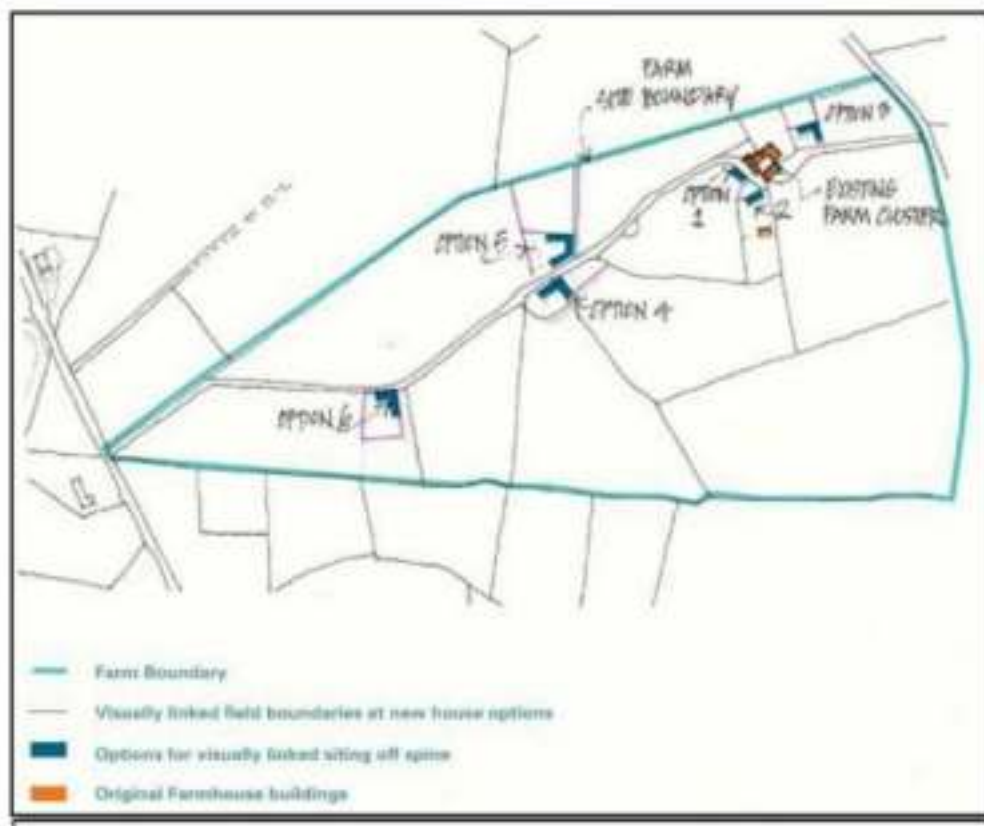
The agent has made reference to the fact that No. 10 Billys Road was approved whereby the same policy requirements were applicable in 2012. The Department notes that the dwelling which was approved under P/2009/1391/F was sited closer to the farm buildings than the proposed site. Moreover, there was a farm building located within the site approved under P/2009/1391/F as shown on the approved site layout drawing. However this building appears to have been demolished following the construction of No. 10 Billys Road.

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 dev proposals in the

countryside. Paragraph 2.7 of BoT sets out examples of farm groupings. The Agent has also referred to the range of different settlement patterns that a farm can be made up of.

One of those referenced is 'Small Holdings and Roadside Farmyards' with farm dwellings and buildings either fronting or with the gable end to the road.

The Agent has also referenced an image from Building on Tradition, shown below, whereby the Agent is stating that dwellings sited away from the main farm holding can still be considered to be visually linked to the building through their field boundaries.



Extract from Building on Tradition

Given the changes in topography of the land, physical detachment by virtue of the juxtaposition of the application site with the farm holding and the intervening road, a dwelling and garage on the application site would not be visually linked with the established group of buildings on the farm. The layout of the farm holding is shown below.



Layout of farm holding

The land within the farm holding is outlined in blue, the buildings on the farm are denoted by an orange dot and the application site is outlined in red.

I am not satisfied that the proposal is capable of being considered to be associated with the existing group of buildings on the farm. It would appear as a single dwelling and garage in the countryside with no visual linkage to the buildings denoted by an orange dot above.

Policy CTY 10 goes on to state 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 or out-farm, and where certain other circumstances pertain.

The land within the farm holding is shown on the submitted farm maps whereby the Department consider that there is scope for a dwelling closer to the farm buildings on the southern side of Billy's Road. As there is the possibility of an available site at a group of buildings on the farm, this part of the exceptions test is not met.

Para 4.52 of the amplification text of Policy CTY 10 states that "where an alternative site is proposed under criteria (c) which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety

Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce."

The Agent clarified that the farmer is a livestock dealer and has advised that the applicant does not have verifiable plans to expand the farm business at this time, however stated that the farmer will expand the farm in the future to accommodate his intensive operations, as can be seen from the number of livestock registered to the applicant given that there is only 1 large farm shed serving the holding. The Agent has advised that the agricultural land adjacent to the farm buildings is required for the separation of animals in his herd to ensure the health and safety of them given the nature of the farm business. The Agent has advised that this needs to be done on lands adjacent the farm building as it reduces the need to transport the animals and to provide shelter. The Agent has also advised that access to the back lands to the rear of the farm building is restricted and would mean an access through a working farm would be required which would pose health and safety risks. Moreover, the Agent has advised that a new access would result in unsightly ancillary works and a significant unnecessary loss of agricultural land for the applicant.

During the day of the site visit, animals were grazing on the application site. Animals were also observed on the lands to the rear of the large farm shed. Moreover, as per DAERA's response, I am satisfied that this is an active working farm. However, this proposal is for a dwelling on the farm.

Policy CTY 10 states that where practicable, access to the dwelling should be obtained from an existing lane. However, I acknowledge that access to a proposed dwelling on an alternative suitable site would not be practicable and thus a new access is warranted in order to ensure that the proposed dwelling is visually linked or sited to cluster with an established group of buildings on the farm. The Planning Department do note that access through a working farm yard would be concerning regarding health and safety issues, however there are alternative approaches. The health and safety reasons put forward do not justify an alternative site.

No other substantive evidence however was presented as to the nature of any health and safety risks. No substantive evidence was presented to demonstrate verifiable plans (such as valid planning permissions, building control approvals or contractual obligations) to expand the farm at the existing group of buildings on the farm, a proposed farm dwelling on the subject site is not justified. The proposal does not represent an exceptional case under criterion (c) of Policy CTY10 and does not therefore comply with the policy when read as a whole. There is no evidence to suggest that the proposal would fall into any of the other types of development listed as acceptable in principle in the countryside under Policy CTY1 of PPS21 or that there are overriding reasons why the proposal is essential.

Notwithstanding the fact that the principle of development cannot be established at this site, I will assess the proposal in its entirety.

Design, Scale, Size and Massing

The immediate surrounding area is largely characterised by detached dwellings of different forms, scales and designs. The house type proposed is 1 ½ stories in nature with a pitched roof and a single storey rear return. The proposed finishes include; painted smooth rendered walls, Bangor Blue natural slate roof, cast iron RWGs and uPVC windows and doors.

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. Supplementary guidance on the assessment of Farm Dwellings is contained in Building on Tradition.

The proposed dwelling is of a somewhat traditional design given the vertical window emphasis on the front roadside elevation, chimneys on the ridge, single storey front porch, simple form and appropriate materials for the rural area.

Due to the presence of the several adjacent dwellings, it is considered that a dwelling at this site would add to a suburban style build-up of development when viewed with the surrounding existing buildings. This is exacerbated by the fact that the new dwelling would not cluster with buildings on the farm holding and would therefore not form an integral part of that particular building group, or when viewed from surrounding vantage points, would not read as being visually interlinked with those buildings.

The application is contrary to criteria (b) and (d) of policy CTY14 and criterion (g) of CTY 13.

Impact on Amenity

The nearest neighbouring dwellings are Nos. 10 and 10A Billy's Road to the east and north respectively. Given the separation distance between both existing dwellings and the proposed siting of the dwelling, I am satisfied that the proposal would not impact on the amenity of neighbouring properties in terms of overlooking, loss of light or overshadowing. No representations have been received to date (07.06.23).

CTY 16

A septic tank has outlined on the P1 form as the means of sewerage. A Consent to Discharge condition will be attached to ensure that CTY 16 is complied with and to protect the environment.

Accessibility & Transportation

DfI Roads were consulted and have no objection to the proposal subject to conditions.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement

21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

2. 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 proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings.

Informatives:

This refusal notice relates to Drawing No. P01 and P02A.

<p>Case Officer Signature: Eadaoin Farrell Date: 07.06.23</p>
<p>Appointed Officer Signature: M Keane Date: 07-06-23</p>

We are dealing with a case where the applicant meets the primary requirements for a farm dwelling: the farm business is active and established and no development opportunities have been sold off in the last 10 years. The planning department have no concerns with the dwelling's design, scale, form or massing. No concerns have been raised by any consultee or third party. However, the planning department do not accept that the site forms part of the cluster of buildings on the farm.

The cluster includes a shed opposite, and a farm dwelling (at 10 Billy's Road) adjacent to the site, which was built and is occupied by the applicant's son. Planners don't accept that this dwelling is "on the farm" because the applicant's son had to get the site legally signed over to him so he could obtain a mortgage to build the house. The applicant's son however remains engaged in agricultural operations on the farm, on a daily basis.

Planners considered it significant, for the purposes of this application, that the applicant's son is not the "named owner" of the farm business. However, the applicant has a large family and it would not be practical to name each of his children who work on the farm on the business. The Planning department are of the opinion that just because No. 10 had to be legally transferred into the applicant's son's name so he could obtain a mortgage, it is nothing to do with the farm. Nothing could be further from the truth. To prove that point the applicant referred planners to planning legislation, which defines an agricultural unit, and pointed out that this definition includes the dwelling house of a person engaged in operations on the farm. This was dismissed as being "somewhat irrelevant". Notwithstanding that if something is moderately irrelevant then it is relevant, the applicant asks why would an "agricultural unit" include such a building but a "farm" would not? The point being made is that an "agricultural unit" is no different to a farm and the applicant feels his case has been brought down to semantics.

It is noted in the case officer's report that the farm group consists of the original farm house (5 Billys Road – not the last approved farm dwelling) and the shed. The planning department felt there was an opportunity to cluster with these, even though they are 160m apart and there are three dwellings in between the main farm house and farm sheds. It is physically impossible to cluster with the applicant's house and the farm shed. Clustering with the applicant's son's (farm) house and the shed is therefore a reasonable alternative.

The proposed dwelling and garage are sited back in the second field because had they been sited in the front field along Billy's Road there would have been an opportunity for a further two "infill" sites. The planning department have not acknowledged this, and have shown no consideration to the fact that the applicant has attempted to prevent creating a ribbon of development by choosing an alternative but better site. Whilst Policy CTY 10 refers to exceptional circumstances, intimating these should be health and safety reasons or verifiable plans to expand the farm, the potential for ribboning in the front field cannot be ignored. CTY 10 is not a self-contained policy and the courts have previously ruled that CTY 10's locational preference does not make CTY 8 irrelevant.

The applicant informed the planning department of mains water pipes running through the field adjacent to the farm sheds and this formed another reason why the proposed dwelling and garage could not be sited closer to the shed. The applicant had earlier requested a meeting to explain in depth the constraints on the farm (which led the applicant to the application site). The request for a meeting was declined, and the mains water supply or the electricity services dissecting the plot next to the shed were not referred to in the consideration of the proposal, thereby resulting in an incomplete assessment due to all material considerations having not been taken into account.

The planning department state that there is scope for a dwelling closer to the farm building than what has been chosen but notwithstanding the aforementioned services that area can only be accessed through the farm yard. Planners accept the applicant cannot reasonably be expected to take the new dwelling's access through the farm yard but state "there are alternative approaches. In practice, a new lane would have needed to be created, from the applicant's house (at no.5) and would traverse a linear distance of 250 metres (an arrangement that would be dismissed every other day of the week as "inappropriate ancillary site works").

It has actually been accepted that the proposed dwelling would be seen in proximity to the farm grouping when travelling in both directions along Billys Road, however the road and mature vegetation are perceived to create a physical separation. Photographs have been included to prove their point. The photographs are not a true reflection of what is visible. The human eye can see a wider range than the photographs convey and the human eye would clearly register the shed and the proposed dwelling, contrary to planners' photos.

The planning department fail to mention a significant concession in PPS 21 (para. 5.41). This states that if, the existing building group is well landscaped (which this is), or where a site adjacent to the building group is well landscaped, planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation. The failure to acknowledge that concession in the applicable policy is a significant gap in the planning department's assessment of the proposal.

Policy CTY10 does not state that all elements of the proposal have to be sited on one side of the road.

Officials, in their analysis, show no regard to the intensity of operations on this farm and show no awareness of the needs of the farm (i.e. they paid no regard to the sheer number of animals moved through this farm – the applicant's herd movements showed in excess of 5000 animals through the farm. This was verified, and is unlike most other farms in the District).

Each planning application has to be treated on its own merits. CTY 10 includes a number of "like" situations, however this applicant is very different from a typical small farmer, and this is borne out in the number of movements registered to him. This applicant needs to use the land immediately adjacent to the sheds and the front field for allowing animals to "break out", to exercise (which was detailed in the applicants' supporting statement). This would have a detrimental impact upon his animal handling facilities, creating safety concerns for the animals and the farmers themselves, if lost.

The third reason for refusal is included as part of the 1st and 2nd. If the siting is considered acceptable, then the requirement of Policy CTY 14 will be also.

The applicant would have been amenable to discussing this further, but a request for a meeting with officials was declined. Unfortunately, the applicant has little room for manoeuvre because of a restricted red line boundary. The reality is that the applicant would have gladly sited the house in the field to the front but refusal would have been guaranteed owing to a fear the applicant was trying to create further infill opportunities down the line. Members can at least be reassured that if they exercise their own judgement, and recognise that in practical terms the dwelling cannot be sited any closer to the farm shed, without causing further consequences, then at least it is agreed that the house is appropriately sited within this field.

LA07/2022/1808/F

**Approximately 15m north east of 10 Billy's Road
Newry
Co. Down
BT34 2NA**

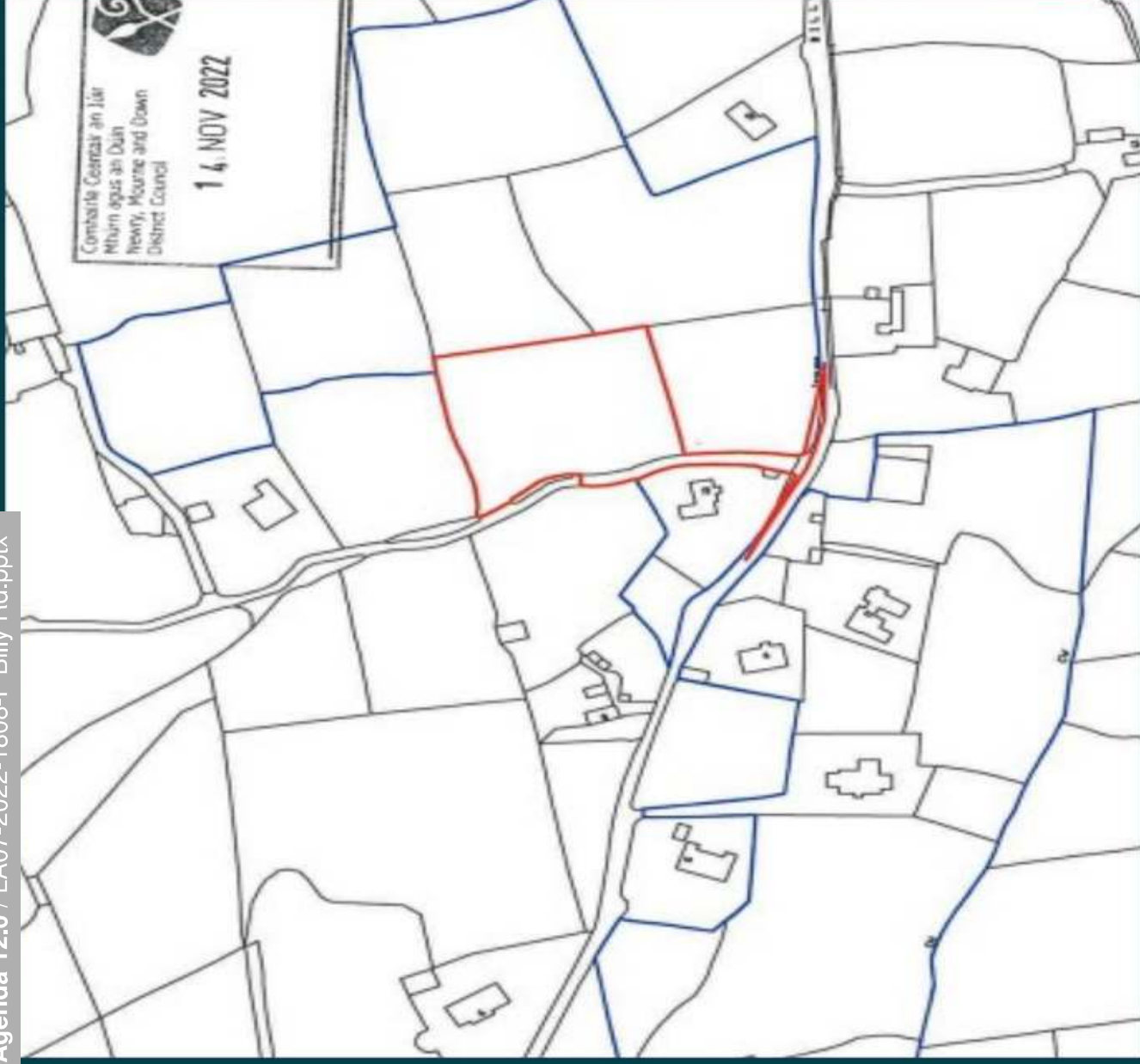
Erection of dwelling and detached garage on a farm

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



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Site location map



Ag freastal ar an Dún agus Ard Mhacha Theas
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Aerial view of application site

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Application site east of No. 10 Billys Road

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- Application site outlined in red
- No. 10 Billy's Road (purple) transferred from farm holding in December 2010
- Buildings on the farm (orange)

Comhairle Ceantair

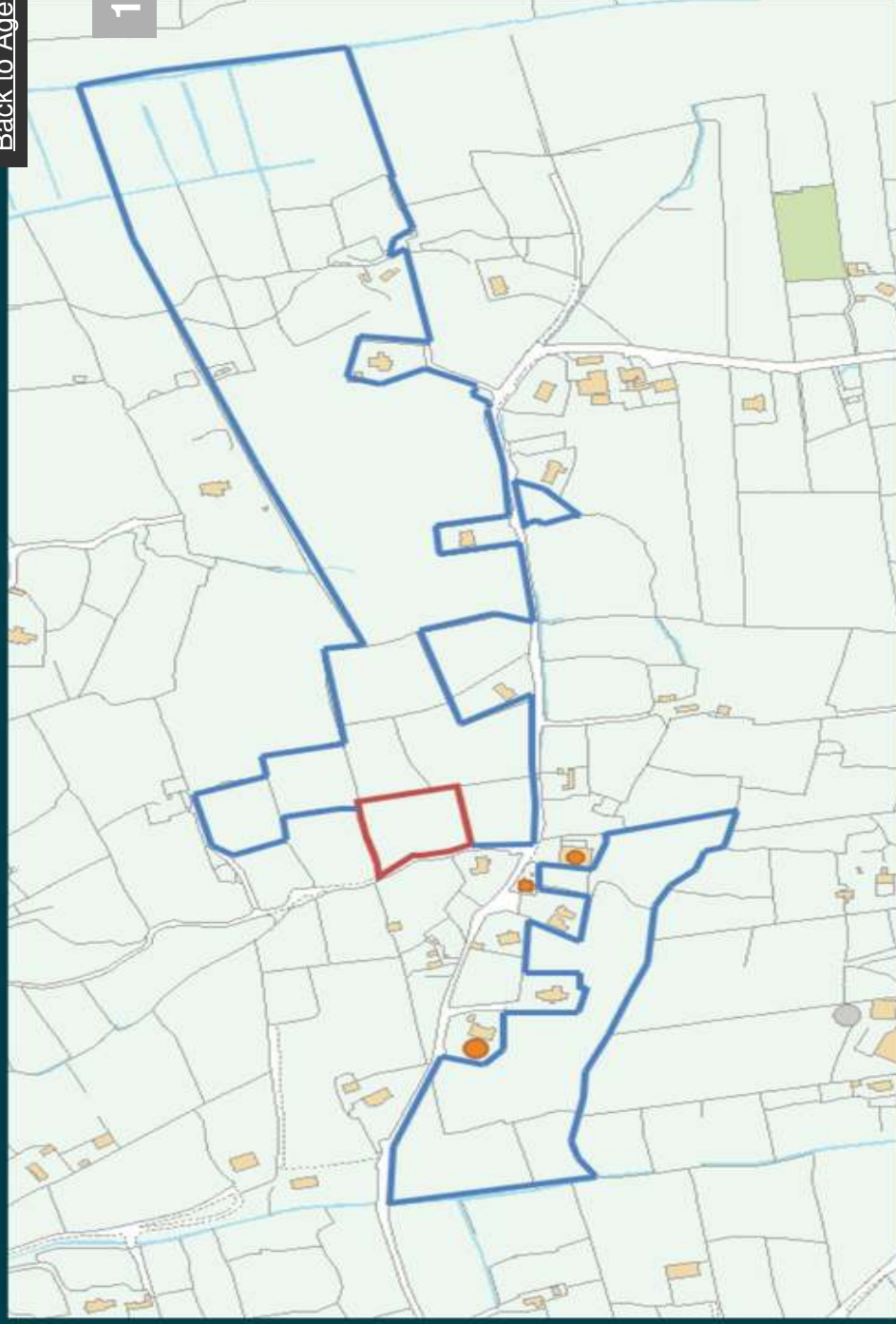
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- No. 10 Billy's Road was transferred to the farmer's son in December 2010.
- The farmer's son is not listed as an owner of the farm holding.
- No evidence provided to substantiate the Agent's claim that the owner of No. 10 Billy's Road helps out on the farm.
- Para 5.4 of CTY 10 "for the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of the family.



Layout of farm holding



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District Council

Application Reference: LA07/2022/0309/O

Date Received: 17/02/2022

Proposal: Proposed housing development

Location: Approx. 30m south of no. 131 High Street, Bessbrook, Newry

Site Characteristics & Area Characteristics:

The application site comprises part of a larger agricultural field located to the north of McGinns Park, Bessbrook. The roadside boundary is well defined by hedgerow with levels on the site falling towards the rear. The site adjoins the settlement limit of Bessbrook but is located outside the settlement limit, within the countryside.



*Approximate site boundaries outlined in red.
Settlement boundary defined in black*

Planning Policies & Material Considerations:

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

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Planning Policy Statement 21- Sustainable Development in the Countryside

Site History:

- **P/1985/0064-** Erection of dwelling at High Street, Bessbrook. Application withdrawn.
- **P/2006/0461/F-** Erection of residential development (consisting of 55 No. units and ancillary works) Lands to the north-west and rear of Nos. 17-30 McGinn Park and Nos. 7-10 Woodside Park, High Street, Bessbrook (extending northwards to the rear of 6 McGinn Terrace, with access between McGinn Park and No. 131 High Street). Permission refused 24/08/2007.

Consultations:

- **Historic Environment Division-** HED (Historic Buildings) has considered the impacts of the proposal (LA07/2022/0309/O) on the listed building (HB16/23/010- Derrymore House Bessbrook Newry Co. Down, Grade A) and on the basis of the information provided, advises that it is sufficiently removed in situation and scale of development from the listed building as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

- **NI Water-** Refusal. Subject to successful discussions and outcomes regarding issues NI Water may reconsider its recommendation.
- **DFI Roads-** No objections in principle to the proposal.

Objections & Representations:

Twelve neighbours were notified of the application on 26/04/2022 and the application was advertised within one local newspaper with statutory expiry on 23/03/2022. No objections or submissions have been received.

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 accord 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.

The application was submitted with an accompanying 'Statement of Case from Applicant' which sought to outline the zoning history of the site in the Newry Area Plan 1984-1999 and advising that planning permission in 2006 was rejected on the grounds of prematurity until the adoption of the current plan. This statement also states that the houses would be built by the applicant for the rental market only.

A Design and Access Statement was also submitted by the Agent advising the application seeks approval under Policy CTY5 for approx. 6 new homes to add to the social housing stock with the applicant remaining the landlord of these properties.

The Planning Department advised the Agent that *"the supporting statement is seeking approval under Policy CTY5 of PPS21. Policy CTY5 is clear that "planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement or within a designated Dispersed Rural Community to provide social and affordable housing to meet the needs of the rural community. Planning permission will only be granted where the application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality"*

As the application has not been made by a registered Housing Association (documentation advising units to be built by applicant for the rental market with applicant remaining landlord) nor is Bessbrook considered to be a small settlement for the purposes of CTY5, on this basis the application will be likely recommended for refusal. Without prejudice, DFI Roads and NI Water require further information/ amendments to the scheme".

The Agent provided amendments for DFI Roads and correspondence relating to the NI Water response but nothing has been received regarding the principle of the development. The application will be progressed based on the information currently available.

Policy CTY 5 states that: *"Planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement or within a designated Dispersed Rural Community to provide social and affordable housing to meet the needs of the rural community. Planning permission will only be granted where the application is made by a registered Housing*

Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality."

Policy is clear that planning permission will only be granted where made by a registered Housing Association, the application was submitted by Patrick McGinn of 127 High Street Belfast who intends to privately rent out the proposed dwellings. The application is therefore not acceptable in principle under Policy CTY5.

In addition, the application site adjoins the settlement limit of Bessbrook Village, the Banbridge/ Newry and Mourne Area Plan advises that there is no social housing need requiring Plan intervention in Bessbrook. Para 5.26 of CTY5 clarifies that for the purposes of this policy, a small settlement is defined as having a population of around 2250 (or less). Census 2011 population statistics state that on Census Day 2011 there were 2,714 people in Bessbrook settlement, it is considered this number will increase in the Census 2021 statistics.

As the application is not made by a registered Housing Association and Bessbrook is not considered a small settlement, the application is contrary to Policy CTY 5 of PPS 21. It follows therefore that it is also contrary Policy CTY 1 of PPS21.

As the principle of the proposal is not acceptable, it is not necessary to assess the site in terms of the sequential test in terms of location.

Policy CTY15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. If approved, the proposed housing development would mar the distinction of the settlement limit of Bessbrook and result in urban sprawl, contrary to Policy CTY15. In marred the settlement limit, the proposal would also result in a sub-urban style build-up of development, contrary to criterion b of CTY14.

PPS3- Access, Movement and Parking

DFI Roads have been consulted and have no objections subject to conditions.

PPS6- Planning Archaeology and the Built Heritage

HED (Historic Buildings) has considered the impacts of the proposal (LA07/2022/0309/O) on the listed building (HB16/23/010- Derrymore House Bessbrook Newry Co. Down, Grade A) and on the basis of the information provided, advises that it is sufficiently removed in situation and scale of development from the listed building as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Drawings

The drawings considered as part of this assessment are as follows: 101 Rev A, 102A Rev B.

Recommendation: Refusal**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY5 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not adjacent to a small settlement and the application has not been made by a registered Housing Association.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside and result in urban sprawl.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: E. Eastwood

Date: 05/10/2022

Appointed Officer Signature: C Cooney

Date: 6th October 2022



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ADDENDUM TO REPORT

Application Reference: LA07/2022/0309/O

Date Received: 17/02/2022

Proposal: Proposed housing development

Location: Approx. 30m south of no. 131 High Street, Bessbrook, Newry

Background

Application LA07/2022/0309/O was recommended for refusal and appeared on Delegated List W/C 10th October 2022 and was 'called- in'. The application appeared before Call In Panel on 1st November 2022 and was deferred back to officers to consider information which was submitted within the 'call in' request.

The 'Call In' Request Form detailed information which is summarised below:

- *At the time of the Department making their decision the application was not made by a registered Housing Association. We have been waiting on the response coming from the Association. The land owner had previous negotiations with an Associations Developments Officer , and this Officer had relocated to a different Association. The land owner wished to remain with this Officer and it has taken a while to get the information and the acceptance from the Association to be the Applicant.*
- *Policy CTY5 defines what a small settlement is, and Paragraph 5.26 of Justification & Amplification states a small settlement is defined as having a population of around 2250 (or less). It remains to be defined quantitatively and therefore we would ask for guidance on this as Bessbrook's population could be considered around this figure, at 2750. This will allow compliance with CTY 5.*

- *An assessment of land within the settlement limit of Bessbrook was carried out to ascertain the availability of potential sites that could accommodate the specific Social needs and this has shown no suitable sites are available within the limits. An assessment of lands zoned for housing shows BK02, BK03, BK04, BK05 and BK08, have been fully developed and therefore are not available.*
- *Policy CTY 15 the development of this small gap would in no way mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside as this unusual narrowing of the development limit is between 2 built up areas that are in the settlement. The infill of this small gap would round off the already built up area of the developments. The convoluted line around 2 developments, at such close proximity, does nothing to maintain rural countryside. There is no rural character to protect. The site is flanked on 3 of its 4 sides by the development limit and therefore there would be no detrimental change to the character of this substantially built up area.*
- *We are hoping that the committee may view and interpret that the application is in line with Policy now that we have the additional information that a Housing Association is on board and we have now demonstrated the need for social housing including wheel chair accessible housing*
- *Letter from Alpha housing noting support for 6 social housing units from NIHE on 9th September 2022.*

Policy CTY5 is clear that planning permission will only be granted where the application is made by a registered Housing Association. Despite the comments within the 'call in' request, the application remains to be submitted by Mr Patrick McGinn of 127 High Street and not by a registered Housing Association.

In addition, Policy CTY5 relates to proposals adjacent to or near a small settlement which is defined in Para 5.26 that purposes of this policy, a small settlement is defined as having a population of around 2250 (or less). Census 2011 population statistics state that on Census Day 2011 there were 2,714 people in Bessbrook settlement, it is considered this number will increase in the Census 2021 statistics. The Planning Department sought further clarification from Development Plan on the status of Bessbrook. The Development Plan Team have advised that Bessbrook has a population of 2,739 and is included within Tier 3 of the Settlement Hierarchy, the Development Plan Team are therefore of the opinion that Bessbrook exceeds the population thresholds associated with Policy CTY5.

The additional information contained within the 'Call In' request form has not overcome reasons of refusal outlined within the Planning Report and the application continues to be recommended for refusal.

Reasons for Refusal:

5. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
6. The proposal is contrary to Policy CTY5 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not adjacent to a small settlement and the application has not been made by a registered Housing Association.
7. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside and result in urban sprawl.
8. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: E. Eastwood

Date: 30/06/2023

Appointed Officer Signature: M Fitzpatrick

Date: 04/07/2023



Re: Planning Reference: LA07/2022/0309/O

Proposal: Proposed housing development -Approx. 30m south of no. 131 High Street, Bessbrook

REASONS FOR REFUSAL:

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

2-The proposal is contrary to Policy CTY5 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not adjacent to a small settlement and the application has not been made by a registered Housing Association.

3-The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside and result in urban sprawl.

4-The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

We believe there is merit in Bessbrook having status as a small settlement and therefore our proposed site sits adjacent to a small settlement, qualifying for due consideration under CTY5 of P.P.S. 21.

With regards **Reason for Refusal point 2**, it is fair to comment that at the time of the Department making their decision the application was not made by a registered Housing Association. We have been waiting on the response coming from the Association. The land owner had previous negotiations with an Associations Developments Officer and this Officer had relocated to a different Association. The land owner wished to remain with this Officer and it has taken a while to get the information and the acceptance from the Association to be the Applicant.

Included in the presentation is a copy of the support letter from Development Director James Wright, Alpha Housing (Northern Ireland). Their policy, as expressed at the time by the Housing Association, was that they could not lead the Outline Application as applicants but would support the application. This technical difficulty will hopefully be weighed against the Social Housing Need and readied response to that need, in the form of this proposal.

With regards to Bessbrook having suitable status as a small settlement, CTY5 of PPS21 defines what a small settlement is, and Paragraph 5.26 of Justification & Amplification states a small settlement is defined as having a population of around 2250 (or less). We would like to point out that in the Banbridge/ Newry and Mourne Area Plan 2015 Map Library, Bessbrook is neither featured in the Villages section or the Small Settlements section and that there is a discrepancy between maps available from NISRA on the population of Bessbrook and the Settlement Boundary for Bessbrook on the Area Development Plan. There is no directly comparable population number as it relates to the Planning Department's Settlement Boundary and therefore the actual population number remains to be defined quantitatively for Planning Policy implementation purposes.

Based on the 2021 NISRA Census, we calculate that the comparative population figure is somewhere in the region of 2396 - 2470 (indicated as 2750 in the 2011 Census), but without definitive figures for direct comparison, we would ask for guidance on this actual relative number



and we ask for further guidance on the permissible percentage deviation from the qualifying "Settlement" number, as it is stated in Policy CTY5's definition of a small settlement - Paragraph 5.26 of Justification & Amplification that the population should be **"around" the figure of 2250.**

With the grey figurative area already created with the discrepancies between census and Planning Settlement maps, and the welcome but unfortunately ambiguous margins created by the term "around 2250", we would hope that the Planning Department and the Council could consider this as a viable opportunity to add to the Housing supply in the area, all things considered, and hope that perhaps Bessbrook's settlement population's estimated figure could be considered in compliance with the criteria for approval under PPS. 21 CTY 5.

Reason for Refusal point 1: An assessment of land within the settlement limit of Bessbrook was carried out to ascertain the availability of potential sites that could accommodate the specific Social needs and this has shown no suitable sites are available within the limits. An assessment of lands zoned for housing shows BK02, BK03, BK04, BK05 and BK08, have been fully developed and therefore are not available.

BK06 has been privately developed and completed, with a small piece of ground still to be finished, however this is to remain Private and is not for Social Housing supply.

BK07 has an application currently with the Planning department and this development is not for Social Housing and will be a private development.

BK09 is land zoned for mix development, however this does not appear to be for Social Housing as no indication of this has been made in the PAN application. An application for this type of development, if successful, could take as much as 3 years to complete.

Currently the waste water infrastructure is inadequate to take a development of this size, which would incur further delays in the realisation of this project. Our Proposal can accommodate its own waste water within the additional land around the site, leaving it a viable project to move forward in the immediate future.

Reason for Refusal point 3: the development of this small gap would in no way mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside as this unusual narrowing of the development limit is between 2 built up areas that are in the settlement. The infill of this small gap would round off the already built up area of the developments. The convoluted line around 2 developments, at such close proximity, does nothing to maintain rural countryside.

Reason for Refusal point 4: with regards Cty 14. There is no rural character to protect. As already mentioned, the proposed site is flanked on 3 of its 4 sides by the development limit and therefore there would be no detrimental change to the character of this substantially built up area.

We ask that the Planning Committee consider the unique positioning of the site as it relates to the existing Development Plan, the nature of the application as it relates to Social Housing, and the margins of deviation for Population numbers qualifying as Small Settlements in addition to the deviation in maps allowing a definitive population number for the area the Planning Department consider Bessbrook.

We hope that the committee may view the application as being in line with Planning Policy given the additional information now that a Housing Association is on board with the Application and the demonstrated need for social housing in the area, including wheel chair accessible housing.

LA07/2022/0309/O

Proposed housing development

Approx. 30m south of no. 131 High Street, Bessbrook,
Newry



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Site Location Plan





Concept Block Plan





Settlement Limit Boundary



Approximate site boundaries outlined in red.
Settlement boundary defined in black

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Roadside boundary of the application site in both directions



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Application Site





Policy CTY 5 – Social and Affordable Housing

Planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement or within a designated Dispersed Rural Community to provide social and affordable housing to meet the needs of the rural community. Planning permission will only be granted where the application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality.

In assessing the acceptability of sites outside a small settlement, the following sequential test in terms of location will be applied:

- (a) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- (b) a site close to the settlement limits which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- (c) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

Where the need relates to a Dispersed Rural Community the housing group should be located adjacent or close to a traditional focal point such as a church, hall, school or community centre.

All proposals will need to be sited and designed to integrate

sympathetically with their surroundings and meet other planning criteria and policy requirements.

Generally only one group will be permitted in close proximity to any particular rural settlement or within any particular Dispersed Rural Community.

Justification and Amplification

- 5.24 The majority of land considered by the Department as suitable for housing developments will be allocated through the development plan process within settlements.

- 5.25 While planning policy restricts groups of dwellings in the countryside, an exception may be made where a specific need for social and affordable housing has been established through a local housing needs assessment undertaken by the Northern Ireland Housing Executive, and where the need has not been foreseen and provided for through the development plan process.

- 5.26 For the purposes of this policy, a small settlement is defined as having a population of around 2,500 (or less), while affordable housing is defined as

Application not made by a registered Housing Association.

- 1a. Applicant's name and address**

Name:	MR. PATRICK MCGINN	Name:	JOHN FEEHAN - design3
Address:	127 HIGH STREET	Address:	3 CEDAR GROVE
	BESSBROOK		
Town:	NEWRY	Town:	NEWRY
Postcode:		Postcode:	BT34 1SQ
Tel:		Tel:	07845514969 Design3 is a company in the design area of the Newry, Mount Newry, Mount
		Ref. No.:	1817

Extract from Newry, Mourne and Down Local Development Plan 2030-Preferred Options Paper (pg. 44)
Bessbrook classified as a village (not a small settlement) with population of 2 739.

[illegible]

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2071/F	Target Date:
Proposal: Proposed erection of an extension to the existing Greenkeepers storage and maintenance building, formation of vehicular laneway, re-profiling of land, erection of boundary fencing/gates, landscaping and associated development	Location: ROYAL COUNTY DOWN 36 GOLF LINKS ROAD NEWCASTLE DOWN BT33 0AN
Applicant Name and Address: Royal County Down Golf Club 36 Golf Links Road Newcastle BT33 0AN	Agent Name and Address: Gavyn Smyth 2nd Floor 7 Exchange Place Belfast BT1 2NA
Date of last Neighbour Notification:	22 February 2023
Date of Press Advertisement:	9 March 2023
ES Requested: No	
Consultations: The following bodies were consulted regarding the proposal <ul style="list-style-type: none"> • DFI Roads • DFI Rivers • Environmental Health • Historic Environment Division • Northern Ireland Water • Northern Ireland Environment Agency • Shared Environmental Services 	
Representations: <ul style="list-style-type: none"> • 3 x Anonymous Objections • 2 GOLF LINKS CRESCENT 	
Letters of Support	0.00
Letters of Objection	4
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

- Principle of the development in the countryside
- Compliance with PPS 8
- Road Safety
- Impact on Natural Environment including designated sites
- Impact on Built Heritage
- Impact on flooding and surface water
- Impact on amenity of neighbours

Site Visit Report

Site Location Plan:



Date of Site Visit: 15th March 2023

Characteristics of the Site and Area

The site is located outside but immediately adjacent the settlement limit of Newcastle and is comprised of a portion of land within the Royal County Down Golf Course complex which is partially used as an existing maintenance compound and a landscaped area. The existing maintenance building is currently screened by a band of mature coniferous trees as shown below.





While the site is located within the countryside and forms part of an existing Golf Course Complex it lies immediately adjacent the residential area of Merrion Avenue and Golf Links Crescent. Those dwellings along Merrion Avenue are single storey or one-and-a-half Nos 16-26 share a boundary with the site and overlook that which is existing.

The Slieve Donard Hotel lies to the south of the site.

Description of Proposal

Proposed erection of an extension to the existing Greenkeepers storage and maintenance building, formation of vehicular laneway, re-profiling of land, erection of boundary fencing/gates, landscaping and associated development

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

- R/1998/0044 Proposal: Extension to grounds machinery shed Decision: Permission Granted
- R/1993/0057 Proposal: Replacement grounds machinery shed Decision: Permission Granted
- R/1999/1373/F Proposal: New water storage tank to support a replacement automatic irrigation system. Decision: Permission Granted

SUPPORTING DOCUMENTS

The application has been supported by the following

- P1 Application Form
- Site Location Plan

- Existing & Proposed Site Plan
- Existing & Proposed Ground Floor Plan
- Existing & Proposed First Floor Plan
- Existing & Proposed Elevations
- Gate Elevational Plan
- Landscape Masterplan
- Tree Impact Plan
- Drainage Design Note
- Transport Assessment Form
- Design & Access Statement
- Outline Construction Environmental Management Plan (Ocomp)
- Impact Survey
- Shadow Habitats Regulation Assessment

CONSULTATIONS

Consultations were carried out with the following bodies – No objections have been received

- DFI Roads
- DFI Rivers
- Environmental Health
- Historic Environment Division
- Northern Ireland Water
- Northern Ireland Environment Agency
- Shared Environmental Services

REPRESENTATIONS

4 letters of objection have been received as detailed above. The issues raised relate to

- Noise
- Increased traffic
- Hours of work
- Light
- Lack of landscaping to screen adjacent dwellings
- Removal of mature trees
- Concerns regarding suitability of the site and exploration of alternative sites.

EVALUATION

Following reform and restructuring of planning powers, Local Councils have responsibility for the implementation of local plan making, development management and planning enforcement. Until such times as a Plan Strategy for the Council area has been adopted a transitional period will operate.

During this transitional period planning authorities will apply existing policy contained within those retained policies and the Strategic Planning Policy Statement (SPPS).

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

As noted above the proposal seeks permission for the development of an extension to the existing Greenkeepers storage and maintenance building, formation of vehicular laneway, re-profiling of land, erection of boundary fencing/gates, landscaping and associated development.

The proposed extension measures 15.9m x 45.9m (729.81sqm) and will have a maximum ridge height of 6m above finished floor level. It will be finished with corrugated wall cladding, roller doors, pvc windows, rendered panel (where shown) and ppc aluminium rain water goods. The extension will be fitted with new PV panels.

The extended area will house machinery and vehicles in an open central area between the existing and proposed sheds. To the rear of the new shed changing, toilet, washing and canteen facilities will be provided for staff. The existing shed will be reconfigured internally to provide grinding and mechanic area, paint store and workshop, stores for sand, chemicals, petrol, small tools and seed.

The site is located within the rural area, outside but immediately adjacent the settlement of Newcastle. It is located within Murlough ASSI, Murlough SAC and the Mourne AONB as designated in the Ards and Down Area Plan 2015.

EIA Determination

Under regulation 12 of the Planning 'Environmental Impact Assessment (EIA) Regulations (NI) 2017, the Planning Authority is required to make a determination as to whether the proposed development would or would not be deemed EIA development.

The proposal falls within Schedule 2, Category 10 (B) of the Planning Environmental Impact Assessment) Regulations (Ni) 2017. Schedule 2: Category 10 (B) is the carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. The proposed area of development exceeds the threshold of 0.5 ha for this type of development.

In accordance with the regulations, a screening exercise was carried out to determine whether or not an EIA is required. An Environmental Statement is not required – see determination for reasons.

The following Planning Policies are applicable to the proposal:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 21
- Planning Policy Statement 2
- Planning Policy Statement 3
- Planning Policy Statement 6
- Planning Policy Statement 8
- Planning Policy Statement 15

There is no conflict between the SPPS and the retained policies listed above.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. Proposals relating to outdoor and recreational uses will be acceptable provided they are in accordance with PPS 8.

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS 3 Outdoor Recreation in the Countryside is applicable given the location of the proposal in the rural area outside the settlement limit of Newcastle. It states that proposals will be permitted where all of the following criteria are met:

- **There is no adverse impact on features of importance to nature conservation, archaeology or built heritage;**

The Planning Authority consulted with NIEA: Natural Environment Division and Historic Environment Division. No objections to the proposal were put forward and this will be expanded upon in the relevant policy assessment of PPS 2 and 6 below.

- **There is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;**

The site is comprised of a hardstanding area, the existing greenkeepers shed and an area of amenity grassland with a mix of broadleaved and coniferous trees. It is not therefore an area of agricultural land and does affect any in the immediate vicinity.

- **There is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscaped by taking advantage of existing vegetation and/or topography.**

The site is located within the grounds of the Royal County Down Golf Club and is enclosed by the boundaries of the complex. Views of this site are achieved from within the club grounds and the adjacent settlement i.e. from Golf Links Road as shown below and from the dwellings along Merrion Avenue which abut the site.



While it is acknowledged that trees will be removed to facilitate the development the proposed landscape management plan shows that new building will be screened by a new formal hedgerow with new Scots and Black Pine trees as shown below.



- **There is no unacceptable impact on the amenities of people living nearby**

As referred to above, neighbours of the site have objected / raised concerns about a variety of issues regarding amenity, e.g. increased noise from the site, increased traffic, the hours of operation and the loss of existing vegetation along with no provision to screen existing dwellings.

In assessment of the above the Planning Authority consulted with the Councils Environmental Health Department, who visited the site and reviewed the objections raised. The EHO has concluded taking everything into consideration that they have no objections.

It is the Planning Authorities understanding of the proposal that all vehicles that will be housed in the extended Green Keepers shed are currently on site, there are no additional vehicles proposed. The extension is proposed to ensure a more efficient storage of the machinery vehicles etc as conditions are currently very cramped. It is anticipated therefore that there will not be additional noise from maintenance machinery & vehicles and mitigating measures have

been put forward to ensure that works respect the neighbouring properties by started engines etc together rather than intermittently throughout the morning, particularly during construction phase.

Currently parking of staff cars within the site is limited to a small informal area to the side and south of the existing greenkeepers shed. It is noted from the plans that a formal parking arrangement for 16 cars will be dispersed throughout the site. The southern entrance to the greenkeepers yard is to be closed up with all traffic entering and leaving via the new laneway and entrance at the northern side of the site.

It is considered that this would impact primarily on those properties which abut the yard and Nos 14 and 16 Merrion Avenue, pictured below.



However, these dwellings are already affected by the existing entrance and laneway, while the re-positioning of the laneway will result in a more direct approach to these dwellings than that which currently meanders around the amenity grass and tree area, it is considered that the impact would not be so detrimental to warrant a refusal of the proposal. Environmental Health have suggested that additional planting could occur along the boundaries of the affected properties, however, the boundaries of Nos 14 and 16 lie outside the red line of the site and this could not be conditioned or enforced.

Additional trees are, however, to be planted along the boundary shared with 2 Golf Links Road which will aid screening.

With regard to hours of operation, several of the objectors raise issue with the start times of the greenkeepers stating that work can commence on site prior to that stipulated in the supporting documents and that works have been noted on site at 5am. This has been queried with the applicant / agent and it has been conveyed that normally greenkeepers are on site around 1 hour before the first tee-off i.e. 6-6.30am in summer months and 7am in the winter months. It

was acknowledged that on occasion staff may arrive earlier when a tournament is scheduled, however, it is not a regular occurrence.

Floodlighting does not form part of the proposal, however, temporary floodlighting may be used during the construction phase depending on the time of year this occurs. The operation of this floodlighting could be controlled by condition.

On the basis of the above assessment it is considered that there would be no greater unacceptable impact on the amenity of the nearby residents than that which currently occurs.

- **Public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed**

No additional recreational activities are proposed in this application. The building is to be used by maintenance staff of Royal County Down it is not envisaged that the public would use this building.

- **Any ancillary buildings or structure are designed to a high stand, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;**

As detailed above, the extension to the greenkeepers shed is large. An increase in floorspace of 729sqm is proposed. The use has been established by that which is existing and it is noted the proposal will extend away from existing dwellings and be screened from public view by a robust planting scheme. While it may not be the ideal location, it is appropriate given the existing context.

- **The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and**

The site could be accessed via means of transport other than the private car. The proposed plans indicate that the proposal has taken into account the needs of people with disabilities – provision has been made of turning of wheelchairs within communal spaces and toilet areas.

- **The road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.**

In consideration of this DFI Roads have been consulted and have offered no objections to the proposal.

The proposal is therefore considered to satisfactorily comply with Policy CTY 1 of PPS 21 and Policy OS 3 of PPS 8.

PPS 2: Natural Heritage

Policies NH1, 2, 3, 5 and 6 are relevant to the proposal given its location Murlough SAC, Murlough ASSI and Mourne AONB. As such NIEA: Natural Environment Division have been consulted to advise the Planning Authority on the potential for this proposal to detrimentally affect the SAC and ASSI, along with any protected habitat or species.

NED have advised that the proposal is situated within Murlough ASSI/SAC. Murlough ASSI has been designated for its qualifying features: Coastal sand dunes – Grey dunes, Birds – aggregations of non-breeding birds, Vascular plants, Invertebrates, and Butterflies - Marsh Fritillary (*Euphydryas aurinia*).

Murlough SAC has been designated for the previous qualifying features as well as: Atlantic decalcified fixed dunes (*Calluno Uliceta*), Dunes with *Salix repens* ssp. *Argentea* (*Salicion arenariae*), Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"), Embryonic shifting dunes, and Atlantic salt meadows (*Glauco-Puccinellietalia maritima*).

NED note a Marsh Fritillary record approx. 700m from the North-east RLB.

NED acknowledge receipt of the application form (date stamped, 07/02/2023) and note that the applicant intends to dispose of surface water waste and foul water waste via mains. NED are content with this.

NED also note receipt of the Drainage Design Note (date stamped, 15/12/2022) wherein it states that the existing welfare facilities are to be removed and replaced with new facilities within the new extension, thus the foul discharge is anticipated to remain the same.

The Environmental Impact Assessment (date stamped, January 2023) assessed the site for its potential to provide suitable habitat for marsh fritillary and concludes that the site contains no suitable habitats to support this species. NED are content with the conclusion the site is of low ecological value and with implementation of appropriate mitigation measures there will be no significant effects on site selection features.

NED acknowledge receipt of a shadow Habitat Regulations Assessment (date stamped, January 2023) and note that while the proposal is within Murlough SAC/ASSI, the area which overlaps the proposed working area does not contain any of the designated habitat features and mainly consists of amenity grassland. Therefore, likely significant effects for all relevant features have been discounted and thus no likely significant effects to the site features are envisaged as a result of the proposal. NED are content with this conclusion.

NED acknowledge receipt of the outline Construction Environmental Management Plan (date stamped 17/01/2023) and note appropriate mitigation measures outlined within.

Provided the recommendations made within the oCEMP, EIA, SHRA and below are adhered to and appropriate pollution prevention measures are implemented during the construction and operational phases of the development, the proposal is unlikely to have a significant impact on the designated sites.

Further to this the Planning Authority consulted with Shared Environmental Services, who on our behalf considered the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

SES concluded that there are no likely significant effects from the proposed development as the area of the proposed development which overlaps with the SAC does not support any Annex 1 habitat or Annex 2 species for which the site has been designated. Further more there are no potential pollutant pathways to any Annex 1 habitats or Annex 2 species.

The Planning Authority therefore 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 the conclusion therein prepared by SES dated 24.05.2023.

In terms of the proposals impact on the AONB, the local context of the site is important. As described above, the site lies immediately adjacent the settlement of Newcastle and is comprised of an existing maintenance compound for Royal County Down, the extension of the greenkeepers shed at this location will not have a detrimental impact on the AONB given the existing use, its proximity to the urban area and the proposed screening of the site.

Overall it is considered that the proposal is compliant with the requirements of PPS 2.

PPS 3: Access Movement and Parking

The proposal seeks to alter an existing access at Golf Links Road. Policy AMP 2 of PPS 3 is therefore applicable which states that planning permission will only be granted for a development involving direct access or the intensification of the use of an existing access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic.

In assessment of this the Planning Authority consulted with DFI Roads who have no objections to the proposal. It is considered therefore that the proposal is compliant with Policy AMP 2.

Policy AMP 7 of PPS 3 deals with car parking and servicing arrangements. It requires proposals to provide adequate provision for car parking and appropriate servicing arrangements. A Transport Assessment Form has been submitted in support of the application and details that there are 20 staff in winter months and 25 in summer months.

20 parking spaces have been provided within the proposal 16 within the maintenance compound and an additional 4 on route to the Club House. In addition a large area around the maintenance building has been provided which will enable the parking and manoeuvring of larger vehicles attracted the site. Such provision for the staff attending the site daily is deemed acceptable.

PPS 6 Planning, Archaeology and Built Heritage

The proposal has the potential to impact on the listed building, the Royal County Down Golf Club, Golf Links Road, Newcastle, Co. Down BT33 OAN (HB18/15/010, Grade B2). In assessment of any impact the Planning Authority consulted with DfC Historic Environment Division (HED) who have advised that the proposal is sufficiently removed in situation and scale of development from the listed building as to have negligible impact upon the quality and character of its setting. The proposal therefore satisfies SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and Policy BH11 (Development affecting

the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Similarly, HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

CTY 13 of PPS21

Given the sites location within the rural area it is necessary to consider its integration and design within the countryside.

The context of the site is important in that while the site lies within the countryside it is located in close proximity to the urban area with dwellings immediately to the side and rear. It is not a prominent site within the wider rural landscape, views of the site are limited to localised areas immediately adjacent.

The site is an established maintenance compound and while it is acknowledged existing vegetation is to be removed to facilitate the development a landscaping scheme including the re-profiling of the land to the east of the extension will effectively screen the new shed from the countryside. The planting proposed to the south at the entrance to Royal County Down will provide screening upon approach to the development. This is considered to be acceptable in this case.

The design of the building is considered to be appropriate for the site and its locality.

PPS 15: Planning & Flood Risk

The Planning Authority consulted with DfI Rivers to ascertain the impact of the proposal on fluvial & coastal flood plains, flood defence and drainage infrastructure, surface water, and reservoirs. DFI Rivers advised the following;

FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site based on the information provided. The site may be affected by undesignated watercourses of which we have no record. In the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water - In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, The Flood Hazard Map (NI) indicates that the site is affected by portions of predicted pluvial flooding. We advise that although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on the

information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site

Consideration of Objections

4 letters of objection have been received. The issues raised relate primarily to

- Noise
- Increased traffic
- Hours of work
- Light
- Lack of landscaping to screen adjacent dwellings
- Removal of mature trees
- Concerns regarding suitability of the site and exploration of alternative sites.

With the exception of why another site within RCD has not been found suitable, the above objections have been discussed in detail within the assessment above. The Planning Authority acknowledges the concerns raised by residents, and understands the reasons for their objections to the proposal. The Planning Authority carried out an extensive consultation process, consulting with multiple statutory bodies to gain their expert knowledge and opinion, no objections have been received. Two consultations were carried the councils Environmental Health Department to ensure that the issues raised were fully considered. The Environmental Health officer visited the site and found no reason to object to the proposal.

In respect of alternative sites, the Planning Authorities role is to determine what has been submitted, choosing an alternative site is a matter for the applicant.

Drawings

The Drawings Submitted as part of the proposal are as follows

- Site Location Plan: RCD-TOD-ZZ-ZZ-DR-A 1033 REV P03
- Existing Site Plan: RCD-TOD-ZZ-ZZ-DR-A-1055 REV P03
- Existing Ground Floor: RCD-TOD-ZZ-OO-DR-A-2005 REV P02
- Existing First Floor: RCD-TOD-ZZ-01-DR-A-2006 REV P02
- Proposed First Floor: RCD-TOD-ZZ-01-DR-A-2022 REV P05
- Existing Roof Plan: RCD-TOD-ZZ-RF-DR-A-2007 REV P03
- Existing Section: RCD-TOD-ZZ-ZZ-DR-A-4055 REV P02
- Existing Elevations: RCD-TOD-OO-ZZ-DR-A-3005 REV P03
- Proposed Site Plan: RCD-TOD-ZZ-ZZ-DR-A-1011 REV P07
- Proposed Site Plan (1:500): RCD-TOD-ZZ-ZZ-DR-A-1022 REV P05
- Ground Floor Plan: RCD-TOD-ZZ-OO-DR-A-2001 REV P06
- West & North Elevations: RCD-TOD-OO-ZZ-DR-A-3002 REV P03
- East & South Elevations: RCD-TOD-OO-ZZ-DR-A-3001 REV P02
- Proposed Roof Plan: RCD-TOD-ZZ-RF-DR-A-2003 REV P05
- Proposed Section: RCD-TOD-ZZ-ZZ-DR-A-4001 REV P02

<ul style="list-style-type: none"> • Landscape Management Plan: 7724-L-1001 • Tree Impact Plan: 7724-L-1002 • Gate Elevation: 7727-L-2001 	
Neighbour Notification Checked	Yes
Summary of Recommendation <p>On balance and taking into account all of the above it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.</p>	
Conditions <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before of 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 RCD-TOD-ZZ-ZZ-DR-A 1033 REV P03,RCD-TOD-ZZ-ZZ-DR-A-1011 REV P07,RCD-TOD-ZZ-ZZ-DR-A-1022 REV P05, RCD-TOD-ZZ-OO-DR-A-2001 REV P06, RCD-TOD-OO-ZZ-DR-A-3002 REV P03, RCD-TOD-OO-ZZ-DR-A-3001 REV P02, RCD-TOD-ZZ-RF-DR-A-2003 REV P05, RCD-TOD-ZZ-ZZ-DR-A-4001 REV P02, 7724-L-1001, 7724-L-1002, 7727-L-2001. Reason: To define the planning permission and for the avoidance of doubt. 3. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment. 4. All mitigation and avoidance measures as outlined within the submitted Outline Construction Environmental Management Plan (OCEMP) shall be adhered to. Any changes/deviations should be agreed, with the Council and other relevant bodies, in advance of works. Reason: To prevent adverse impacts on the features of the designated site. 5. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016 	

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

6. A formal water / sewer connection application must be made for all developments [prior to occupation], 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).

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

Reason: In the interests of visual amenity.

8. Development shall not be occupied until the 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: In the interest of public health.

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

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

10. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No 7724-L-1001 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the coming into use of any part of the development. 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.

Case Officer Signature:

Date: 6 June 2023

Appointed Officer: A.McAlarney

Date: 09 June 2023

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

SUBMISSION FOR PLANNING COMMITTEE MEETING 26 JULY 2023

The reference for my submission is LA07/2023/2071/F item 13 on the agenda.

I would like to submit for your attention the point of increased noise and disturbance due to significant working changes on the site in this planning application.

At present there are two gates in use on site.

The South Gate which is continuously open throughout the working day - 7 days a week.

The North Gate which does NOT open at weekends and only opens at 7am in summer and 7.30am in winter.

The proposed change in staff car parking from its present position in the general car parking area is to be relocated to an area on site. As staff cars approach, enter and park, noise will significantly increase around the North Gate from 5am on a daily basis.

At present machinery traffic on leaving the South Gate disperses onto the links via the internal main roadways leading to and from the Clubhouses.

A major change in current use to the proposed plan is that the South Gate will be closed off and ALL or ANY machinery traffic entering or leaving the site will be through the North Gate - yards from my home - throughout the entire 7 days of a working week.

Thus it is obvious that with the proposed plan in place the noise level of INCREASED TRAFFIC will SIGNIFICANTLY far exceed any acceptable or tolerable level for the health and wellbeing of people living only feet from the North Gate and on the boundary line of the north facing path.

18 July 2023



PLANNING COMMITTEE
BRIEFING NOTE

JULY 2023

PLANNING COMMITTEE BRIEFING NOTE

JULY 2023



This briefing note has been prepared to assist Members of NMDDC planning committee in their consideration of a full planning application submitted by The Royal County Down Golf Club for:

“ an extension to the existing maintenance building and compound. This includes the re-profiling of land and the formation of a new internal laneway with access gates within the golf club demise”

CONTEXT AND NEED FOR THE PROPOSAL

RCDGC is one of the most precious tourism assets in Northern Ireland and has been recognised by renowned publication, Golf Digest, as the number one golf course in the world (2017, 2018 and 2019). Its global reputation and attraction as the finest golf links in the planet draws over 10,000 international visitors to play the course during the golf season April-October every year in addition to its playing membership and that of the nearby Mourne Golf Club.

The draw of the Golf Club in attracting high spending overseas visitors to Northern Ireland creates very substantial direct and indirect employment with over 180 full and part time jobs at the Club alone and a very substantial wider hospitality supply chain benefiting from the influx of visitors including the nearby Slieve Donard Hotel and Spa, local restaurants and cafes, wider accommodation providers and a wide range of local businesses.

The global status of the golf course's reputation is not reflected in the quality of its staff welfare and maintenance facilities at the application site. Due to the small scale nature of the existing facilities, its fleet of plant and machinery are frequently required to be exposed to the elements and not under cover, which is not reflective of delivering a world class golfing experience from an extremely limited, dated and challenging maintenance building. That building is not fit for purpose and suffers from a lack of space to house machinery and an absence of modern staff welfare facilities that a Club of this status must make provision for. The Club has a pressing need to enhance the facilities to meet health and safety requirements and to fulfil its obligations as a key employer in the local area.



PLANNING COMMITTEE BRIEFING NOTE

JULY 2023

3

152





PLANNING COMMITTEE BRIEFING NOTE

JULY 2023

153

THE PROBLEM - MACHINERY CURRENTLY TAKEN OUT OF CRAMPED STORAGE IN TO YARD FACING HOUSES, DAILY







PLANNING COMMITTEE BRIEFING NOTE

JULY 2023



LEGEND

- Application Boundary
- Study Area
- Land Use Types
- Water
- Forest
- Grassland
- Barren
- Urban
- Highway
- Railroad
- Power Line
- Waterway
- Other

Scale: 0 to 1000 meters

North Arrow

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[illegible][illegible]

On average 25.1% falling	None	Some	Most	All
None	0.0%	0.0%	0.0%	0.0%
Some	0.0%	0.0%	0.0%	0.0%
Most	0.0%	0.0%	0.0%	0.0%
All	0.0%	0.0%	0.0%	0.0%
None	0.0%	0.0%	0.0%	0.0%
Some	0.0%	0.0%	0.0%	0.0%
Most	0.0%	0.0%	0.0%	0.0%
All	0.0%	0.0%	0.0%	0.0%
None	0.0%	0.0%	0.0%	0.0%
Some	0.0%	0.0%	0.0%	0.0%
Most	0.0%	0.0%	0.0%	0.0%
All	0.0%	0.0%	0.0%	0.0%

[illegible]

Grants Funding

Assessment of Qualitative Components: Study not eligible
are not eligible
Eligible for Funding
Eligible for Funding
Eligible for Funding
Eligible for Funding



PLANNING COMMITTEE BRIEFING NOTE

JULY 2023

PURPOSE OF THE PROPOSED DEVELOPMENT

The proposal comprises a £2million investment that has two principal objectives.

1. Transform the maintenance facilities

It will transform the Club's maintenance facilities and significantly enhance the quality of the working environment for the Club's greenkeeping staff. It will reinforce the long-established existing maintenance compound in this location by refurbishing the existing maintenance building and extending this to allow for new purpose built modern greenkeeping machinery and plant/material storage as well as suitable welfare facilities for staff showering, toilets and breakout/team meeting areas. Notably, it will significantly enhance the present operations by moving machinery storage and access/egress to the wider golf course away from existing residential properties that border the Club's boundaries. That will deliver a marked enhancement over the existing operations in this location that have been ongoing for several decades. It will reduce operational noise first thing in the morning and deliver an efficient and purpose-built maintenance compound that is befitting of the world class quality of the wider golf links.

2. Transform the sense of arrival/departure

It will transform the quality of the sense of arrival to Royal County Down Golf Club by extending the characteristic duneland of the wider golf links to the point where the Club's boundaries meet the public road. The planning application proposes a revised alignment of the access road into the Golf Club where this will meander through a newly landscaped marram duneland to create a spectacular new entrance feature to the Club. The arrival will be no less celebrated by the departure from the Club. The readjusted access provides an opportunity to connect with the vista of the Mourne and Slieve Donard in particular as a lasting memory for those leaving the links. It is proposed to remove the existing Scots pine, Black pine and Leyland cypress trees as part of a comprehensive landscape masterplan for the access that will see creation of a more characteristic undulating marram duneland that will screen the maintenance facilities from views from the clubhouse with substantial new tree planting further screening the views from the realigned access into the site.

PRESENT OPERATIONS

The present maintenance building operates from 6am in late spring/summer months and from 7am in the autumn/winter months. In addition to the existing building there is a concourse where equipment is moved to and from the maintenance building to enable greenkeeping staff to set off in the morning to go about their daily maintenance programme on the wider golf links. That concourse is located between the existing maintenance building and the rear of residential properties in Merriem Avenue. There are five properties with rear gardens backing on to the concourse and maintenance facilities.

A major enhancement of the proposed development will be to remove the requirement for hauling machinery into the existing yard area to start each morning at the closest point to the existing residential properties. This will significantly improve the amenity of the nearest properties with the noise from the start-up of green keeping machinery being moved in to the proposed newly extended maintenance building where it will be stored in a much more efficient and spacious manner avoiding the need to physically move all the machinery out in to the concourse yard as has been the operational practice to date given the cramped and limited space conditions. There are further benefits from noise attenuation provided by the existing maintenance building to shield the extension and with a new exit and entrance route on the gable elevation of the new building.



PLANNING COMMITTEE BRIEFING NOTE

JULY 2023

CONSULTATIONS

The planning officers have consulted with seven consultees. All have confirmed no objection to the proposal.

Environmental Health is the technical statutory authority in considering noise. NMDDC planners consulted Environmental Health and they confirmed no objection in an initial response received by the planners on 13th April 2023. Following receipt of objections from neighbouring properties Environmental Health were consulted again on 25th April 2023 and specifically asked to consider matters relating to suggested increased noise from the site, increased traffic, hours of operation and loss of existing vegetation and lack of screening to existing dwellings. Environmental Health undertook a further site visit before reaffirming their no objection position in correspondence dated 16th May 2023. They did so having assessed the existing baseline activity on site and that which is proposed to be enhanced as part of this planning application. As decision maker the planning committee should place considerable weight on the recommendation of its own specialist and technical consultee and specifically in this case where the specific authority on noise has concluded that the proposal will not give rise to any unacceptable impact on noise/residential amenity. No technical evidence has been submitted made by objectors that would justify departing from the expert view of Environmental Health officials.

CONCLUSION

This £2million investment is critical to transform the maintenance facilities at the Club and to vastly enhance the quality of the sense of arrival and departure at Royal County Down Golf Club. The Club has sought to design the proposal to sensitively integrate the building and the proposed landscaping and road realignment to deliver a positive betterment over the present status without giving rise to any demonstrable harm. We urge you to support the application and to facilitate important and positive investment in the local Club and local economy.



Neighbouring rear garden



LA07/2023/2071/F

Proposed erection of an extension to the existing Greenkeepers storage and maintenance building, formation of vehicular laneway, re-profiling of land, erection of boundary fencing/gates, landscaping and associated development

ROYAL COUNTY DOWN 36 GOLF LINKS ROAD NEWCASTLE Co. DOWN



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

**Newry, Mourne
and Down**
District Council

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

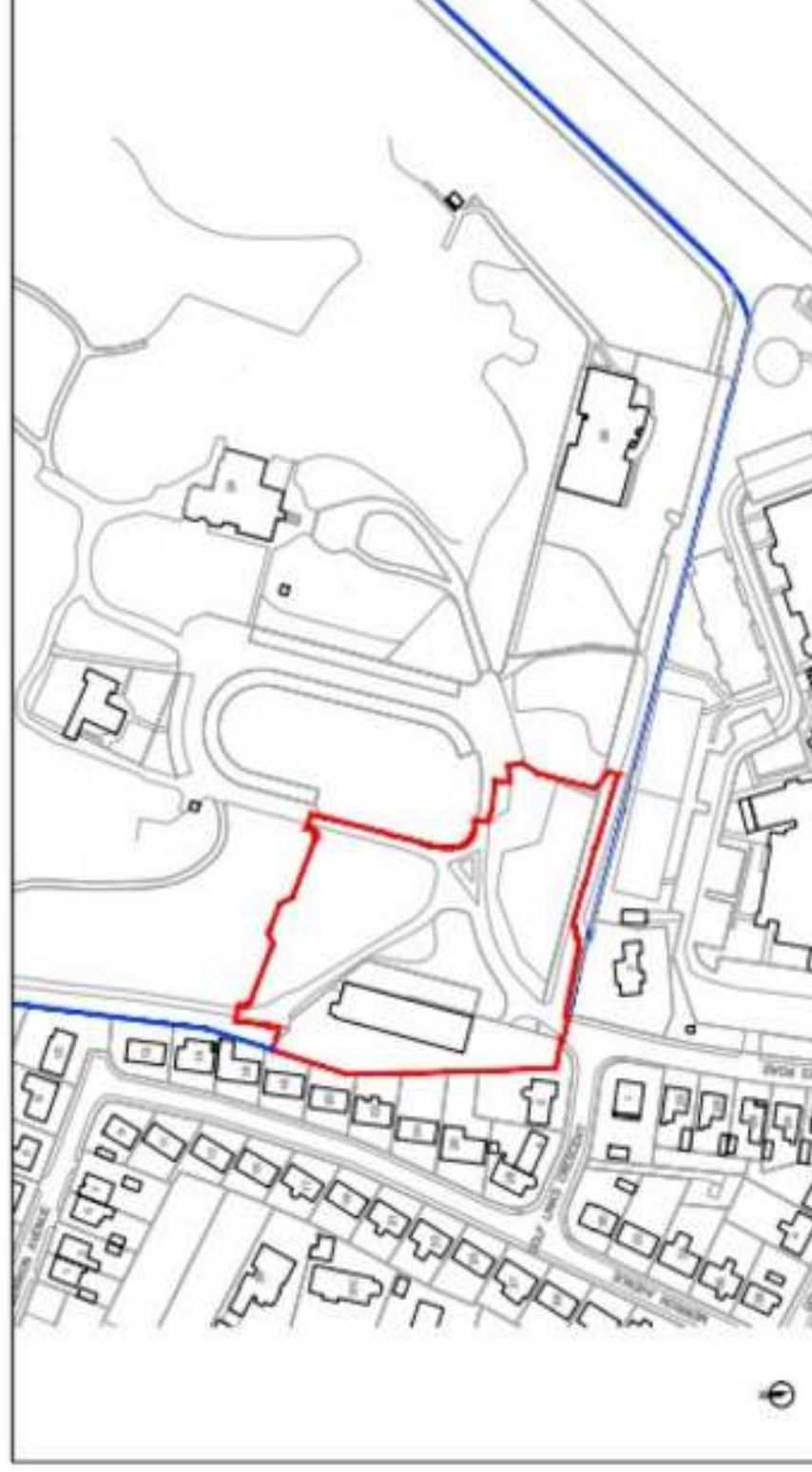
Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

www.newrymournedown.org

159



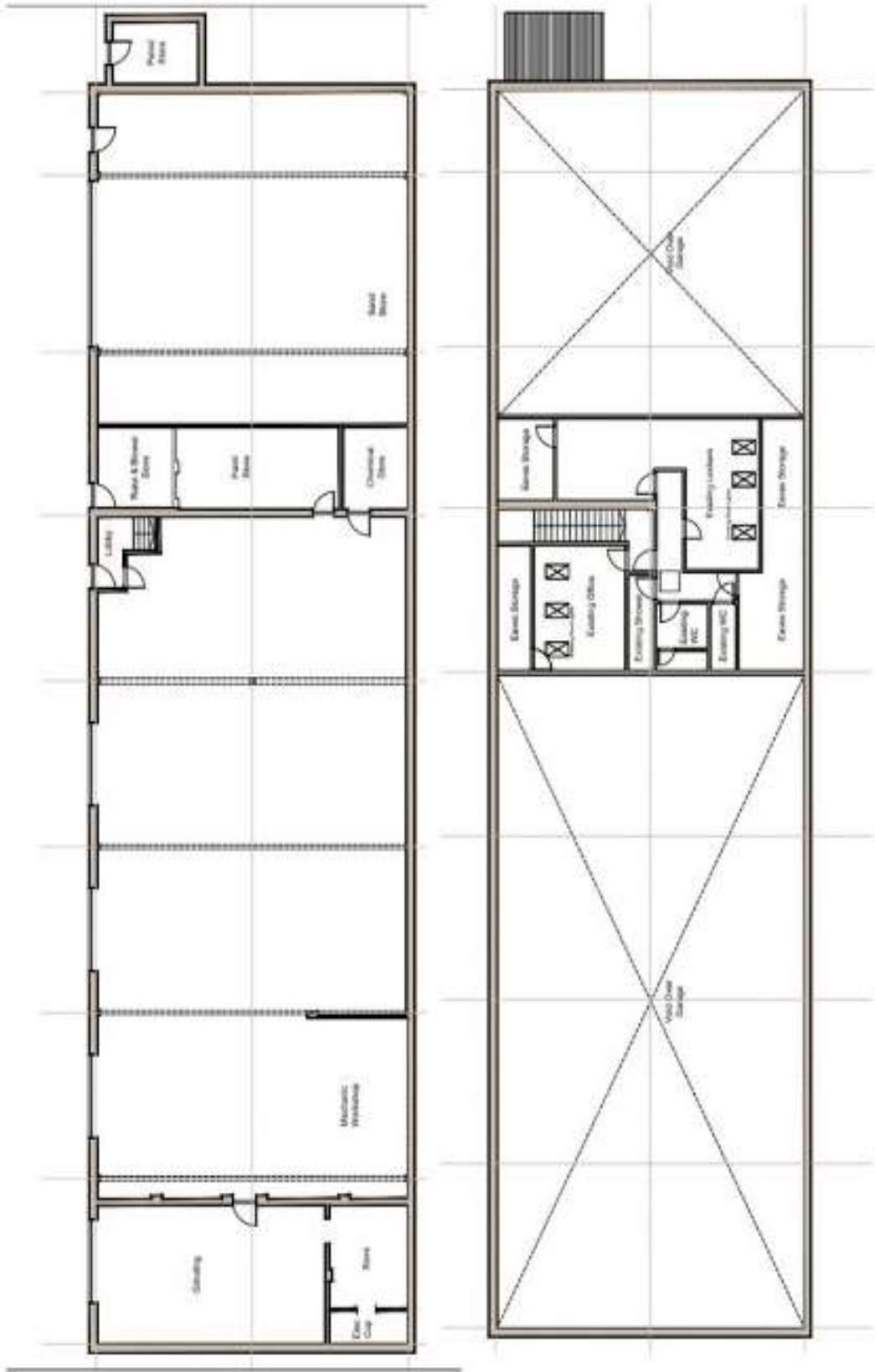
Location of Development



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

www.newrymournedown.org



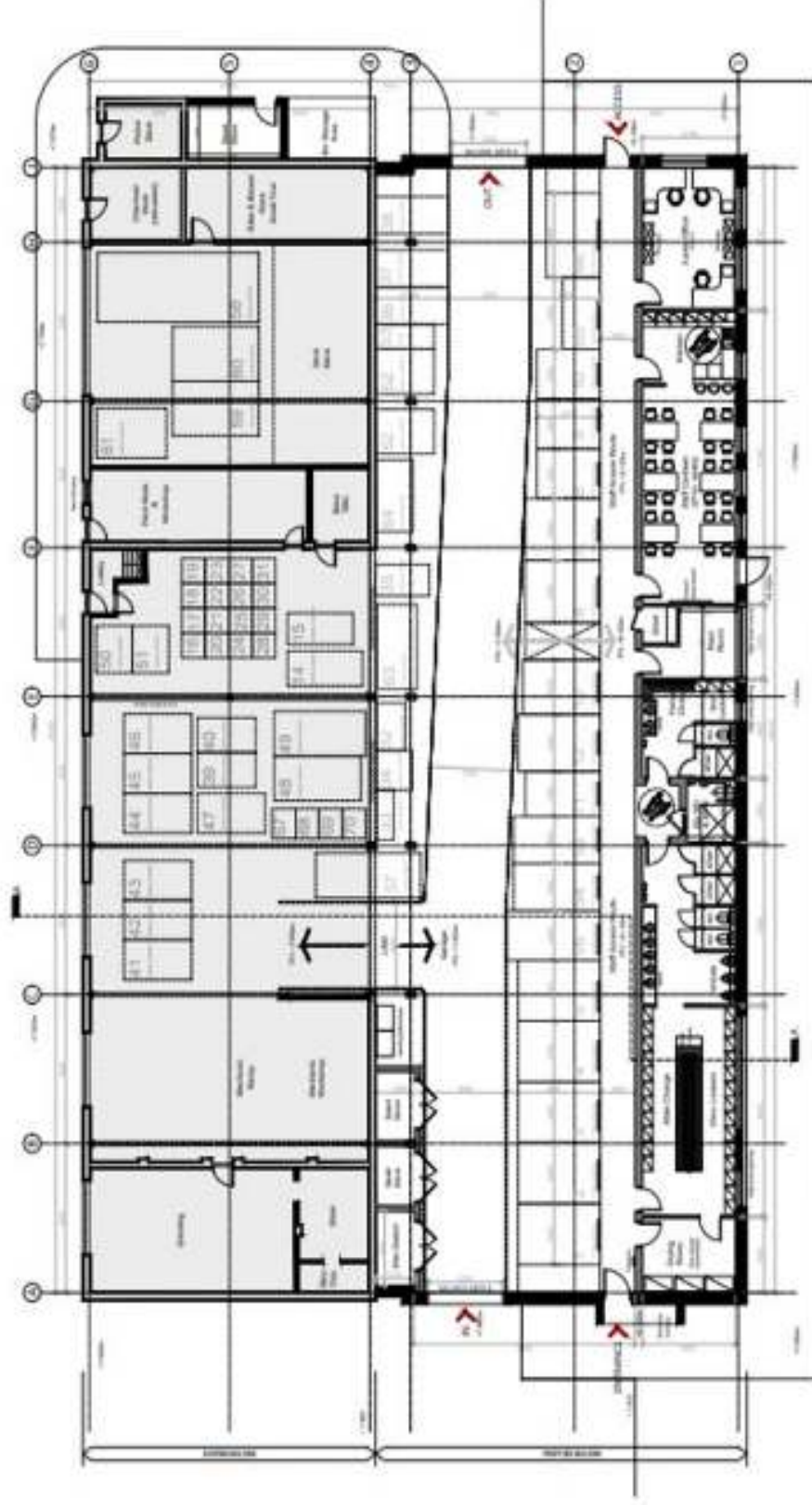


Existing Ground & First Floor Plan

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

www.newrymournedown.org

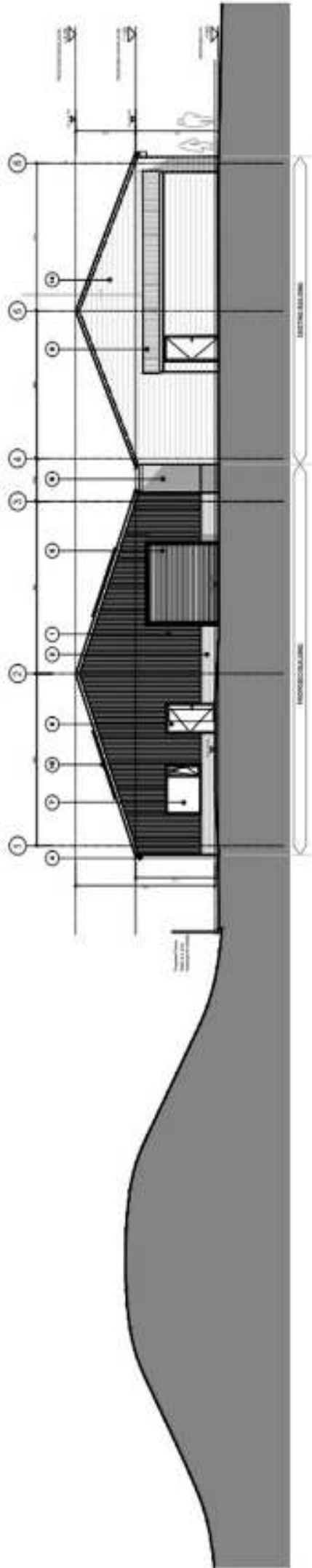
162



Proposed ground floor plan

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

www.newrymournedown.org



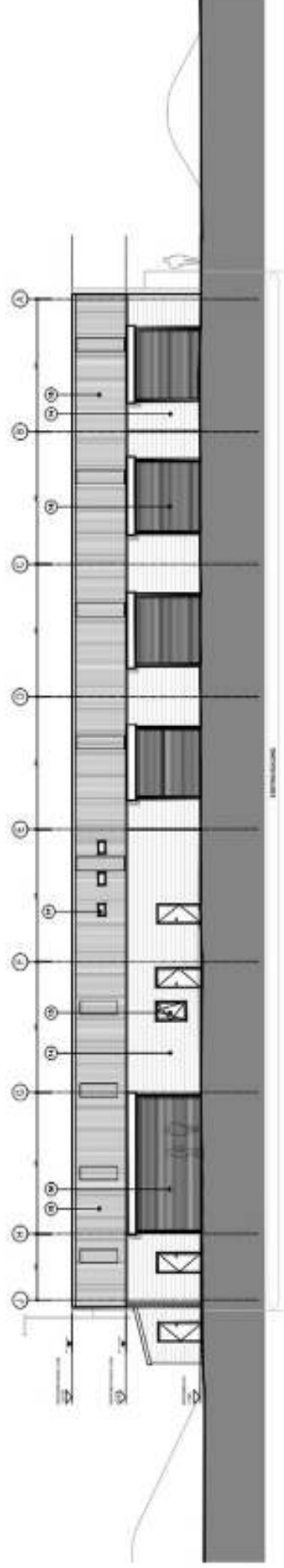
Proposed Northern Elevation

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

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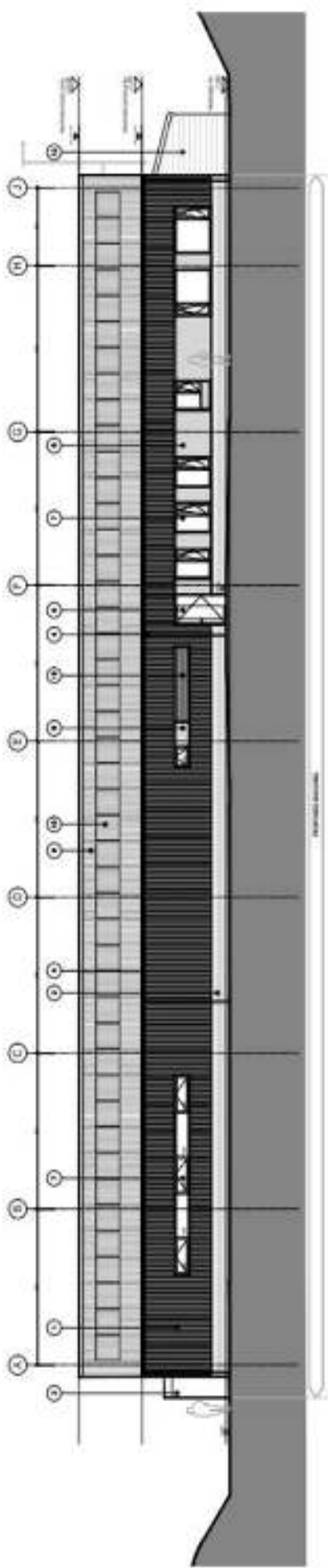
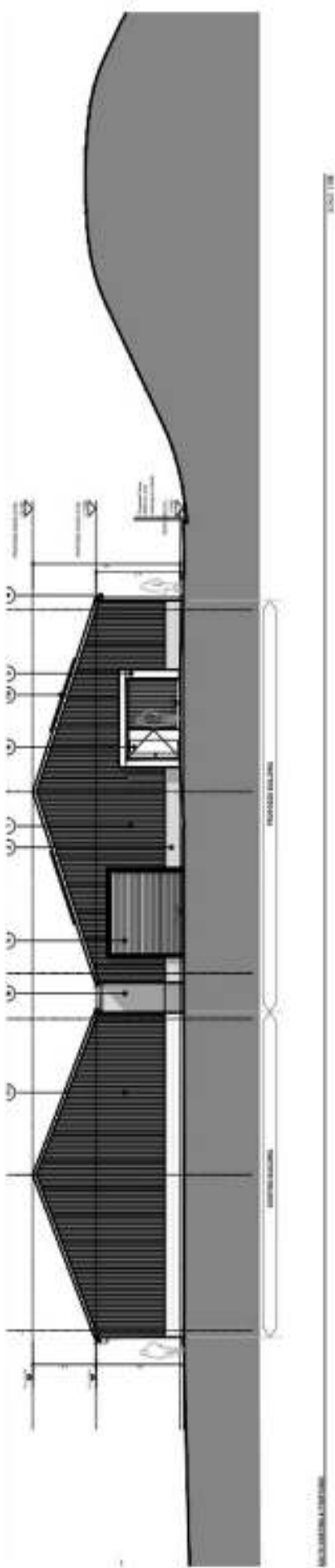
166



Proposed Western Elevation

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Proposed Southern and Eastern Elevations

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168



View of Site from within RCD Grounds

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169



View of entrance into existing yard



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

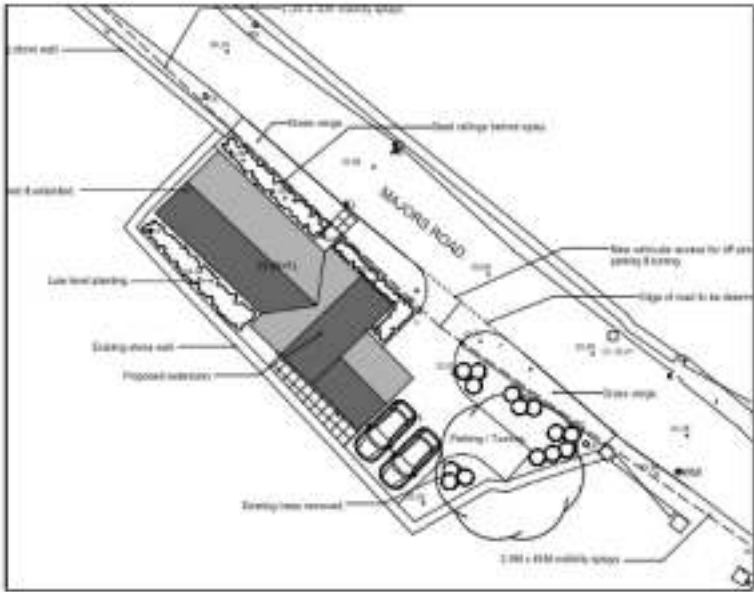


Image 4 Existing Elevations (Extract)

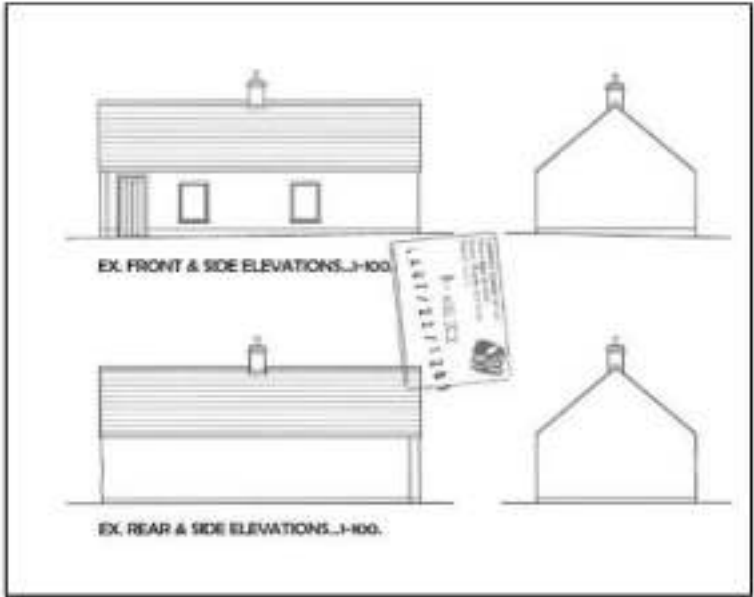


Image 5 Proposed Elevations (Extract)



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, Kilkeel, 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

Delegated Application

Development Management Officer Report										
Case Officer: Ryan Gallagher										
Application ID: LA07/2022/1891/O	Target Date:									
Proposal: Farm dwelling	Location: 30m of West Of 55 CREEVYARGON ROAD BALLYNAHINCH BT24 8YF									
Applicant Name and Address: Trevor & Noel Ross 55 CREEVYARGON ROAD CREEVYARGON BALLYNAHINCH DOWN BT24 8YF	Agent Name and Address: James Anderson 202 BELFAST ROAD CREEVYTENANT BALLYNAHINCH DOWN BT24 8UR									
Date of last Neighbour Notification:	6 February 2023									
Date of Press Advertisement:	25 January 2023									
ES Requested: No										
Consultations: <table border="0"> <tr> <td>DAERA</td> <td>Consult</td> <td>01/02/2023</td> </tr> <tr> <td>DFI Roads</td> <td>Consult</td> <td>19/01/2023</td> </tr> <tr> <td>NI Water</td> <td>Consult</td> <td>23/01/2023</td> </tr> </table>		DAERA	Consult	01/02/2023	DFI Roads	Consult	19/01/2023	NI Water	Consult	23/01/2023
DAERA	Consult	01/02/2023								
DFI Roads	Consult	19/01/2023								
NI Water	Consult	23/01/2023								
Representations: None received										
Letters of Support	0.00									
Letters of Objection	0.00									
Petitions	0.00									
Signatures	0.00									
Number of Petitions of Objection and signatures										
Summary of Issues:										

Site Visit Report
Site Location Plan:

Date of Site Visit: 01/02/2023
Characteristics of the Site and Area <p>The application site is located outside any settlement limits as designated within the Ards and Down Area Plan 2015. The lands outlined in red form an irregular shaped plot located to the immediate west of 55 Creevyargon Road. The site comprises a portion of a field which is relatively flat and is bound by hedgerow with post and wire fencing along the 3 existing boundaries, with mature trees augmenting the western boundary. There is also an existing corrugated steel structure located along the southern boundary of the site. The site sits below the Creevyargon Road which runs adjacent and access is provided via an existing laneway.</p>
Description of Proposal <p>Farm dwelling</p>
Planning Assessment of Policy and Other Material Considerations <ul style="list-style-type: none"> • Ards and Down Area Plan 2015 • SPPS - Strategic Planning Policy Statement for Northern Ireland • PPS 3 - Access, Movement and Parking • PPS 21 - Sustainable Development in the Countryside <ul style="list-style-type: none"> ○ CTY 1 - Development in the Countryside ○ CTY 10 - Dwellings on Farms ○ CTY 13 - Integration and Design of Buildings in the Countryside ○ CTY 14 - Rural Character ○ CTY 16 - Development Relying on Non-Mains Sewerage

PLANNING HISTORY

No relevant site history

CONSULTATIONS

DAERA	Consult	01/02/2023
DFI Roads	Consult	19/01/2023
NI Water	Consult	23/01/2023

EVALUATION

The proposed development is seeking outline planning permission for a farm dwelling. 4 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Ards and Down Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above plan in open countryside. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS21.

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings, which are considered acceptable if in accordance with policy CTY10. Criterion (a) require the farm business to be currently active and to have been established for at least 6 years. DAERA advised in a consultation response dated 01/02/2023 that the associated farm has been in existence for 6 years, and the farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme within each of the last 6 years. This information provides the Council with the main means to determine if farm is currently active and established. Based on this information the application meets the policy requirements of CTY10(a)

The farmland has been checked for any development opportunities. After an inspection of the farm maps, which provide full details of land owned by the farm which accompanied the application, the Council are content there has been no development opportunities have been sold off from the farm holding within 10 years of this application. The application therefore meets policy requirements of CTY10(b).

Criterion CTY10(c) requires that the new building is visually linked or sites to cluster with an established group of buildings on the farm and where practical, and access should be obtained through existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the farm, or out-farm, and where there are either;

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

Paragraph 5.41 of PPS 21 states that dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

The proposed site is an open field that is absent of any established group of buildings, it contains only one building. When reading the submitted maps, in conjunction with a site visit, it appears other buildings relating to the farm holding are located approx. 30m to the east of the subject site. Given the clear visual break provided by the Creevyargon Road which divides the subject site from the remaining farm buildings, case officers fail to read a potential dwelling as being visually interlinked or clustered with those buildings associated with this farm. Therefore, it is concluded that the proposed new dwelling is not visually linked or sited to cluster with an established group of **buildings** (my emphasis) on the farm. As a consequence, the proposal fails to meet the requirements of criterion 10(c).

Policy CTY 13 Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. The area inside the red line takes in a full agricultural field, and no specific site has been pin pointed. As this is an outline application the specific siting and design would be determined at the Reserved Matters stage. The site outlined in red does avail greatly from established natural boundaries thus will not be overly reliant on new landscaping to provide enclosure and for integration. However, in the case of a proposed farm dwelling, CTY 13 requires the dwelling to be sited to visually link or cluster with an established group of buildings on the farm. As discussed above this application fails to meet this criterion, therefore failing the requirements of CTY 13.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. Given the context of this site, a dwelling and garage is not considered to offend this policy

Neighbour Notification Checked

Yes/No

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1, 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 it has not been demonstrated that:
 - a) The proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane; and
 - b) Demonstrable reasons have not been provided to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

Case Officer Signature: Ryan Gallagher

Date: 12 June 2023
Appointed Officer: A.McAlarney
Date: 16 June 2023

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Application LA07/2022/1891/O

In respect of the above application I request speaking rights at the next Council Planning meeting of the 26/7/2023

It Seems the department are recommending refusal on the grounds that the proposed site is across the road in single field owned by the applicant. On it is an agricultural building for maintaining farm machinery and the reason it is there, is that there is little room around the main farm building and outhouses for such activates, in other words it is "land locked". Also the entrance on to the county road is at an angle and is dangerous. However the field of the proposed site is much better and enters the road at right angles with good visibility both directions.

Under permitted development the Ross's could put additional farm buildings on the site and then there would be little problem from the cluster aspect.

Planning legislation CTY 10 states that exceptions can be made in cases where the existing farm buildings are confined and expansion is required. Also consideration can be given to health matters.

Mr Ross qualifies in both these grounds in that as already stated his present site is landlocked and also he is receiving treatment for reoccurring cancer and his wife is presently recovering from major surgery. He is presently 83 and his wife something similar and a purpose build dwelling would greatly enhance their quality of life as well as make access to the county road much safer.

I asked Mr Ross to get a letter from the Doctor to confirm these things but he cannot get an appointment until the end of August, however I sent appointment letters from Consultants in an earlier submission to the department by way of evidence.

Mr Noel Ross was at home when the Planning Officer visited the site. He told him on site it was likely to be refused. I therefore contend that due consideration was not given to the contents of CTY10 Also conditions could be met if Mr Ross erected a couple of more sheds under permitted development but this would not align with long term good planning and could lead to a waste of resources .

James Anderson (Agent)

LA07/2022/1891/O

30m of West Of 55 CREEVYARGON ROAD
BALLYNAHINCH

Farm dwelling

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



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



Location of Development

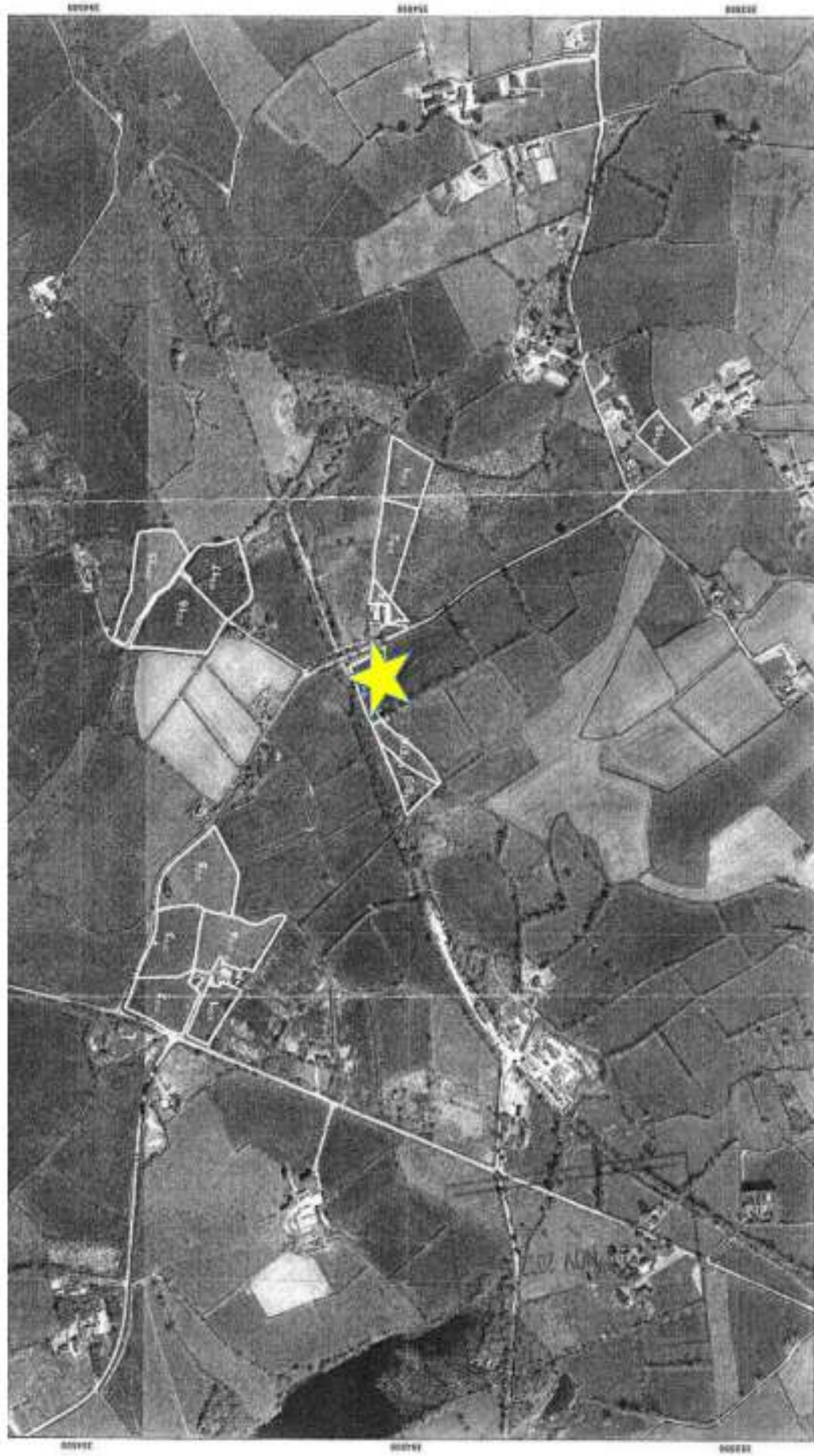


Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

www.newrymournedown.org



Farm Maps

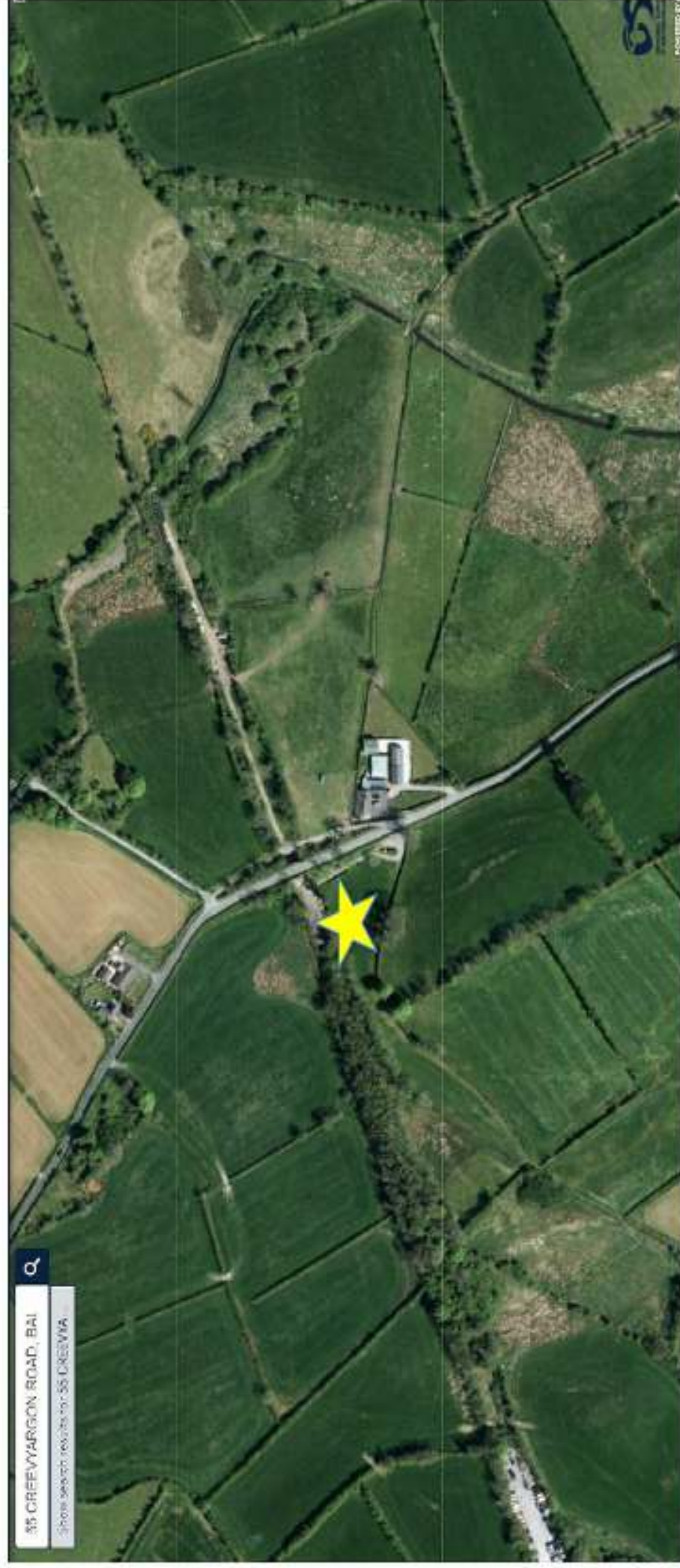


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Newry, Mourne and Down District Council

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190



Aerial Overview of site



Policy CTY 10 – Dwellings on Farms

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

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

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

Planning permission granted under this policy will only be forthcoming once every 10 years.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.

Justification and Amplification



Judicial Review where permission was granted for a
farm dwelling clustering with a singular building

Neutral Citation No. [2014] NIQB 3

Ref: TRE9118

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Delivered: 15/01/2014

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN’S BENCH DIVISION (JUDICIAL REVIEW)

Lamont’s (David John Stewart and Elaine) Application [2014] NIQB 3

IN THE MATTER OF AN APPLICATION BY DAVID JOHN STEWART
LAMONT AND ELAINE LAMONT FOR JUDICIAL REVIEW

AND

IN THE MATTER OF A DECISION OF THE DEPARTMENT OF THE
ENVIRONMENT (PLANNING SERVICE) MADE ON 7 MARCH 2011

TREACY J

Introduction

[1] The applicant challenges a decision by the Department of Environment Planning Service (“the Department”) made on 7 March 2007 whereby it granted planning permission to Mr Leslie Millar for the erection of an additional dwelling on his farm. The applicant alleges that in granting the permission the Department did not properly interpret and apply policy CTY10 in reaching its decision.



Refusal Reasons

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1, 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 it has not been demonstrated that:
 - a) The proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane; and
 - b) Demonstrable reasons have not been provided to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

Committee Application

Development Management Officer Report	
Case Officer: Clare McCoy	
Application ID: LA07/2022/1330/LBC	Target Date: 14 December 2022
Proposal: Replacement of existing iron handrails to a similar rail with closer spacing between bars to ensure health and safety standards are met. Currently the spacing of railing bars presents a hazard as they are too wide and could allow a small child to slip into the water. The railings are also in an extremely deteriorated condition and therefore require replacement	Location: Annalong Corn Mill Marine Park Annalong Co Down BT34 4RH
Applicant Name and Address: Marie Ward NMDDC Downshire Civic Centre Ardglass Road Downpatrick BT30 6GQ	Agent Name and Address: NMDDC Downshire Civic Cent Ardglass Road Downpatrick BT30 6GQ
Date of last Neighbour Notification:	N/A
Date of Press Advertisement:	7 September 2022
ES Requested: No	
Consultations: HED – Initial response - Amendments and further information was requested, including a method statement for removal, existing and proposed elevations of railing and material specifications for railings. Following submission of further info on 3 April 2023, HED were re-consulted and are content subject to a condition. Overall concluded the proposal satisfies the requirements of SPPS para 6.12 & 6.13 and PPS6 policies BH8 & BH11. DFI Rivers – FRA requested and following submission – Content	
Representations: Neighbour notification was not applicable to this application as per the legislation set out in Regulation 7 of The Planning (Listed Building) Regulations 2015 (NI).	
Letters of Support	N/A
Letters of Objection	N/A
Petitions	N/A
Signatures	N/A

Number of Petitions of Objection and signatures	N/A
Summary of Issues: No third party representations were received.	
Site Visit Report	
Date of Site Visit: 20 December 2022	
Characteristics of the Site and Area: The application site comprises Annalong Cornmill, which is a B+ listed building. The mill itself is two storeys high and cut into a south facing slope. The waterwheel of the mill is clearly visible on the eastern elevation. The railings which require replacement are located on the eastern elevation (image below), and visible to the side of the building on the southern elevation.	
	
East of the site is a new residential development Waterwheel Wharf. West of the site is self catering accommodation, conference facility, restaurant and public square.	
Description of Proposal Replacement of existing iron handrails to a similar rail with closer spacing between bars to ensure health and safety standards are met. Currently the spacing of railing	

bars presents a hazard as they are too wide and could allow a small child to slip into the water. The railings are also in an extremely deteriorated condition and therefore require replacement

Planning Assessment of Policy and Other Material Considerations

The application is assessed against the following:

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for NI
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 6 Addendum Areas of Townscape Character

Consideration and Assessment:

Proposal

The proposed works include the replacement of railings along the side of the building visible on the eastern/ southern elevations. This report is based on the following drawings:

- Site location 001
- Ex. Block plan 002
- Proposed Block plan 003
- Ex. Elevations 004A
- Proposed Elevations 005A

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 in Annalong settlement limit, Area of Archaeological Potential, AONB and Area of Townscape Character as designated in the Banbridge, Newry and Mourne Area Plan 2015. The cornmill is a grade B+ listed building. There are no specific policies in the Plan relating to the proposal which will be assessed against regional planning policy.

Strategic Planning Policy Statement for NI

Paragraphs 6.12 - 6.13 (Listed Buildings) are of particular relevance. Para 6.12 states that development proposals which impact upon listed buildings and their settings are assessed paying due regard to their special architectural and historic interest and the contribution they make to the character of the area. I consider that Cornmill is a unique and probably one of the best of its kind in NI and therefore makes an important contribution to the street scene in this area in Annalong. The proposed works will secure the on-going viability and upkeep of the Cornmill and make the steps area safer for users. The features of special interest will remain intact and unimpaired as a result of the proposed works.

PPS 6 Planning, Archaeology and the Built Heritage

Policies BH 8 and BH 11 of PPS 6 apply to the proposed works.

BH 8 Extension or Alteration of a Listed Building

The proposed works retain the essential character of the building and its setting, whereby features of special interest remain intact and unimpaired. The proposed works replace the existing railings with hardened steel and wrought iron where possible. New railings will be similar style to the existing although there will be additional crossbars and they will be slightly taller height of 1.15m (previously 9.60m) to ensure health and safety guidance is followed. The works (material and detailing) will remain in keeping with the cornmill and the methods use during construction are appropriate to HED standard, which is confirmed by HED in their latest response. Overall, I consider the proposed works accord with this policy.

BH 11 Development Affecting the Setting of a Listed Building

The proposed works are not altering the use of the building and do not involve new building works to the building itself. The railings are modest in scale, replacing other existing rails of a similar scale and design, whereby the materials, size, techniques and the minor nature of such that they are considered sympathetic and will respect the setting of the existing building and extent of listing, which are required for safety and overall it is considered they accord with this policy.

Addendum to Planning Policy Statement 6, Areas of Townscape Character

Policy ATC 2 New Development in an Area of Townscape Character

"The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development." The proposal does not propose any external alterations to the Cornmill building itself. Railings exist at the site already and these works will repair and improve safety along this section of the building beside the water. There is no loss to trees or landscaped features. HED have confirmed the design and materials are acceptable. Overall, I consider this is acceptable.

Neighbour Notification Checked

N/A

Summary of Recommendation: Consent

Conditions:

The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

The development hereby permitted shall take place in strict accordance with the following approved plans: Site location 001, Ex. Block plan 002, Proposed Block plan 003, Ex. Elevations 004A, Proposed Elevations 005A

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

Prior to commencement of works details shall be submitted and approved in writing by the Council of the accredited conservation professional who will oversee and certify the hereby approved works.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011

Case Officer Signature: Clare McCoy

Date: 22 June 2023

Appointed Officer Signature: M Keane

Date: 22-06-23

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____