February 23rd, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 25th February 2026** at **10:00 am** in **Council Chamber, Downshire Civic Centre, Downpatrick.**

Committee Membership 2025-26

Councillor M Larkin **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor C Enright

Councillor C King

Councillor D McAteer

Councillor D Murphy

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

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

4.0 Minutes of Planning Committee Meeting of 14 January 2026

Planning Committee Minutes 2026-01-14.pdf ***Page 1***

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

Addendum list - 25-02-2026.pdf ***Page 34***

Development Management - Planning Applications for determination

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6.0 LA07/2023/3241/F - Land adjacent to the rear of No 115 Chapel Street, Newry, BT34 2DP - Erection of two semi-detached dwellings including 4 no. car parking spaces and associated site works (amended description)

APPROVAL

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

LA07-2023-3241-F.pdf ***Page 36***

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

APPROVAL

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

Speaking Rights have been requested in objection of the application by Councillor Bowsie.

Speaking Rights have been requested in support of the application by Mr John Bronte

LA07-2024-1288-F.pdf **Page 55**

7. LA07-2024-1288-F in Objection.pdf **Page 78**

7. LA07-2024-1288-F - in support.pdf **Page 80**

8.0 LA07/2025/0187/F - Site falls between St Patricks Avenue Downpatrick and Dunleath Park and is approximately 11m to the east of Number 45 St Patricks Avenue, Downpatrick Avenue - Proposed installation of DDA Access from St Patricks Avenue to Dunleath Park walking trail in the form of a ramp with complimentary steps to the side.

APPROVAL

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

LA07-2025-0187-F.pdf **Page 81**

9.0 LA07/2025/0171/F - Beach Centre, Shop & Toilets Clanmaghery Road, Tyrella, Downpatrick, BT30 8SU - Provision of new disabled access pathway from amenity building to beach

APPROVAL

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

LA07-2025-0171-F.pdf **Page 91**

10.0 LA07/2024/0462/O - Adj to and 20m NE of 137 Tullybrannigan Road, Newcastle - Infill Dwelling and Garage

APPROVAL

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

Speaking rights have been requested in objection to the application by Mrs Heather McClelland

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

LA07-2024-0462-O.pdf **Page 103**

10. LAO7-2024-0462-0- in objection.pdf **Page 116**

10. LA07-2024-0462-O - in support.pdf **Page 117**

11.0 LA07/2025/0431/F - 24 Gantry Lane, Newry, BT35 6FX - Proposed Extension & Alterations To Existing Dwelling And Retention Of Garden Room

APPROVAL

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

LA07.2025.0431.F.pdf ***Page 119***

12.0 LA07/2024/0639/F - Lands to the east of Camlough Lake, Newtown Road, Camlough, BT35 7JJ - Development of a 'Recreational Hub' to provide facilities for both water and non-water based activities at Camlough Lake (**more details below)

APPROVAL

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

**Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway and floating pontoon, kayak storage, picnic areas, vehicular turning and separate bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance of cars and buses, exit lane for cars and associated visibility splays. Separate bus exit point provided onto the Newtown Road to the northwest of the site. Vehicular access track and separate pedestrian pathways provided from the Newtown Road to the 'Hub' facility. Proposal includes landscaping scheme, boundary fencing, drainage system and all associated site works.

LA07.2024.0639.F.pdf ***Page 130***

13.0 LA07/2023/2965/F - Existing area of open space and car park to the west of Warrenpoint Bowling Green, Clonallon Park, Clonallon Road, Warrenpoint, BT34 3RR - Development of new 2-Storey community facility building and outdoor space (**more details below)

REFUSAL

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

Speaking Rights have been requested in support of the application by Ms Sarah McDowell

**to include children's terrace, community garden workshop, bin store area, hard and soft landscaped areas, street furniture, cycle parking, car parking, external lighting and new pathways connecting to the existing pedestrian network. Replacement of existing play park with 'health and wellbeing garden'. Works to include temporary construction compound, underground drainage system (NIE Substation)and all

associated site works. Vehicular access to the site and bowling club retained off Clonallon Road (Amended Site Layout and Building Height).

LA07-2023-2965-F.pdf ***Page 166***

13. LA07-2023-2965-F.pdf ***Page 201***

14.0 LA07/2023/3341/F - 22m East of no 16 Chancellors Hall, Newry - Proposed Dwelling

REFUSAL

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

LA07-2023-3341-F.pdf ***Page 203***

15.0 LA07/2025/0330/O - Lands between 14 & 18 Drumsnade Road, Drumaness - 2 new dwellings and garages on infill site under Policy CTY8 of PPS21

REFUSAL

On agenda as a result of the call in process.

Speaking Rights have been requested in support of the application by Mr Gerry Tumelty, supported by Mr & Mrs Harte.

LA07-2025-0330-0.pdf ***Page 214***

15. LA07.2025.0330.O.pdf ***Page 229***

16.0 LA07/2025/0378/F - 26 Lisburn Street, Electrotech, Ballynahinch - Change of use from commercial shop unit to 2-bedroom dwelling house

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr William Getty.

LA07-2025-0378-F.pdf ***Page 231***

16. LA07-2025-0378-F.pdf ***Page 245***

17.0 LA07/2024/0969/O - Approx 130m NE of 6 Ballydrumman Road, Derryneill, Ballyward - Proposed dwelling on a farm under

Policy CTY10 of PPS21

REFUSAL

On agenda as a result of the call in process.

Speaking Rights have been requested in support of the application by Mr Gerry Tumelty, supported by Mr William Herron

LA07-2024-0969-O.pdf ***Page 247***

17. LA07.2024.0969.O.pdf ***Page 260***

18.0 LA07/2024/1017/F - On lands 70m east of No. 66 Drumnaconagher Road, Downpatrick - Erection of house and garage on farm as per PPS21 CTY10.

REFUSAL

On agenda as a result of the call in process

LA07-2024-1017-F.pdf ***Page 262***

19.0 LA07/2024/1471/F - Lands Immediately S of No. 24 Lower Carrogs Road, Newry, BT34 2NQ - Proposed New Dwelling & Detached Garage

REFUSAL

On agenda as a result of the call in process.

Speaking Rights have been requested in support of the application by Mr David Donaldson, supported by Mr Jonathan Matthews and Mr Damian Morris.

LA07-2024-1471-F.pdf ***Page 274***

LA07-2024-1471-f Addendum Report.pdf ***Page 284***

19. LA07.2024.1471.F.pdf ***Page 294***

20.0 LA07/2024/1128/O - Lands adj and E of 84a Warrenpoint Road, Newry, Co Down, BT34 2PS - Proposed dwelling and garage (amended access)

REFUSAL

On agenda as a result of the call in process.

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

LA07-2024-1128-O.pdf ***Page 296***

20. LA07-2024-1128-O.pdf ***Page 308***

21.0 LA07/2025/0808/O - 2 Ballycoshone Road, Ballyaughian, Hilltown, BT34 5XB - Proposed infill dwelling

REFUSAL

On agenda as a result of the call in process.

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

LA07-2025-0808-O.pdf ***Page 310***

21. LA07-2025-0808-F.pdf ***Page 321***

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

REFUSAL

On agenda as a result of the call in process

Speaking Rights have been requested in support of the application by Mr Martin Byrne, supported by Mr Shane Carr

LA07-2024-1315-F.pdf ***Page 323***

22. LA07-2024-1315-F.pdf ***Page 333***

23.0 LA07/2024/1054/F - Adjacent to and SE of 36 Clonallon Road, Warrenpoint, BT34 3PH - Proposed single storey dwelling and detached garage.

REFUSAL

On agenda as a result of the call in process

LA07-2024-1054-F.pdf ***Page 334***

23. LA07.2024.1054.F.pdf **Page 347**

For Discussion/Decision

24.0 Renewable Energy Workshop - Correspondence from

For Decision

DFIPG 045-26 - Letter to HoPs re Save the date - Workshop - 16.02.26.pdf **Page 349**

For Noting

25.0 Historic Action Sheet

Planning Historic Tracking Sheet - 14-01-2026.pdf **Page 351**

Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Mr Gerard Byrne

Cllr Pete Byrne

Cllr Philip Campbell

Cllr William Clarke

Edel Cosgrove

Cllr Laura Devlin

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Martin Hearty

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Cllr Jonathan Jackson

Joanne/Noelle Johnston

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Sheila Kieran

Cllr Cathal King

Cllr Aurla King

Ms Elaine Kirk

Cllr Mickey Larkin

Cllr Niall Lawlor

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Jonathan McGilly

Sinead Murphy

Cllr Selina Murphy

Cllr Kate Murphy

Cllr Declan Murphy

Cllr Siobhan O'Hare

Cllr Áine Quinn

Cllr Henry Reilly

Cllr Michael Rice

Mr Pat Rooney

Mr Peter Rooney

Cllr Michael Ruane

Donna Starkey

Sarah Taggart

Cllr David Taylor

Cllr Jarlath Tinnelly

Cllr Jill Truesdale

Mrs Marie Ward

Cllr Helena Young

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 14 January 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson:	Councillor M Larkin	
Committee Members in attendance in Chamber:	Councillor G Hanna Councillor D Murphy Councillor M Rice	Councillor D McAteer Councillor S Murphy
Committee Members in attendance on Teams:	Councillor C Enright	
Officials in attendance:	Mr C Mallon, Director of Economy, Regeneration & Tourism Mr J McGilly, Assistant Director: Regeneration Mr Pat Rooney, Principal Planner Mrs B Ferguson, Senior Planning Officer Mr M Keane, Senior Planning Officer Mr Peter Rooney, Head of Legal Administration Ms F Branagh, Democratic Services Officer Mr C Smyth, Democratic Services Officer	
Also in attendance:	Ms J Stokes, Senior Conservation Architect, HED	

P/001/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin and Clarke.

P/002/2026: DECLARATONS OF INTEREST

There were no declarations of interest.

P/003/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/004/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 10 DECEMBER 2025

Read: Minutes of Planning Committee Meeting of Wednesday 10 December 2025. **(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 of Wednesday 10 December 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/005/2026: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 14 January 2026. **(Copy circulated)**

Councillor Hanna proposed that Item 7 (LA07/2024/1288/F) be deferred to allow objectors the opportunity to request speaking rights, as they had been unaware of the speaking rights process. The proposal was seconded by Councillor Rice.

Councillor Hanna proposed that Item 8 (LA07/2024/1315/F) be deferred, as the agent was unable to request speaking rights due to a computer system failure which had not been resolved in time. The proposal was seconded by Councillor Rice.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer application LA07/2024/1288/F to a future Committee Meeting.**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer application LA07/2024/1315/F to a future Committee Meeting.**

DEVELOPMENT MANAGEMENT

P/006/2026: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0444/F

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

Location:
Annsborough WwTW Station Road, Station Road, BT31 9GD

Proposal:
Upgrade to the Annsborough WwTW Wastewater treatment facility on existing site. Proposal includes Inlet Works, Primary Settlement Tanks, Tertiary Treatment facilities and Sludge Tanks with the final effluent discharging in the same location

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:
Mrs Ferguson outlined the application, stating that the Case Officer's report was taken as read and detailed the rationale for the recommendation. She confirmed that no objections had been received and that consultations had been carried out with NI Water, DFI Roads, DFI Rivers, Waste Management Unit and Environmental Health, with responses summarised in the report.

Mrs Ferguson noted that the proposal involved the replacement and upgrading of essential infrastructure on the existing site and that all new structures would be located outside both the floodplain and climate change floodplain. She referred to advice from DFI Rivers, noting that inundation maps indicated the site lay within a potential reservoir inundation area associated with Ballylough Reservoir and explained that under Policy FLD 5 of PPS 15 there was a presumption against development in areas subject to an unacceptable combination of flood depth and velocity, and that this advice was a material consideration for the Planning Authority.

Mrs Ferguson advised that, following Rivers' consultation response, the applicant was required to demonstrate compliance with Policy FLD 5 and paragraph 6.63 of PPS 15, which allowed essential infrastructure where it could be demonstrated that no alternative viable sites existed and that the development could remain operational during flooding, with appropriate mitigation or contingency measures. She stated that further information submitted by the agent confirmed that the proposal represented efficiency improvements to an existing facility rather than new development with the replacement building located outside the reservoir inundation zone, while existing settlement tanks already lay within that zone, with no additional new build proposed in that area.

Mrs Ferguson concluded that, based on the Flood Risk Assessment, hydraulic modelling and site-specific mitigation measures, it was considered that no alternative viable sites were available and that the facility could remain operational during flood events. She confirmed that all other relevant planning policies were satisfied and that approval was therefore recommended.

Speaking rights:

Mr Stephen Lindsay and Mr Mark McCafferty of DFI Rivers were in attendance to outline their recommendation, clarifying that they were not attending as objectors, but to provide advice in accordance with planning policy.

Mr McCafferty advised that the site lay within a reservoir inundation zone and, having regard to the depth and velocity of potential flood waters, the mapping indicated the area was subject to significant risk and accordingly, DFI Rivers advised refusal in line with PPS 15.

Mr Lindsay further noted that flood modelling and mapping identified the location of the existing tanks as being within a hazardous area due to the predicted depth and velocity of flood waters and he advised that this presented a significant safety concern for operatives in the event of a reservoir failure.

In Support:
Mr Sean Milligan spoke in support of the application, noting that the proposal comprised essential upgrades to the existing Annsborough Wastewater Treatment Works to maintain

service provision and meet environmental standards. He stated that the site was an established NI Water facility and that relocation was not feasible due to operational requirements and the need for continuity of service. He confirmed that the application qualified as an exception under PPS 15, with no new development proposed within the floodplain and noted that updated hydraulic modelling, accepted by DfI Rivers, demonstrated that the proposed works were outside the climate change floodplain.

While acknowledging that part of the site lay within a potential reservoir inundation zone, Mr Milligan stated that existing infrastructure was sealed, elevated and capable of remaining operational during flood events, with appropriate mitigation and contingency measures in place.

Councillor Hanna confirmed that the applicant had consulted with NI Water in relation to the reservoir and inundation mapping and sought clarification on whether the elevated structures, positioned approximately 2 metres above ground level, were sufficient to withstand predicted inundation in the event of a catastrophic failure.

Mr Milligan advised that the structures were non-porous and fully sealed and confirmed that, in the event of extreme weather conditions, no operatives would be permitted within the area, while the infrastructure itself would remain operational.

Following a further query from Councillor Hanna, discussion took place regarding potential scenarios leading up to inundation. It was noted that reservoir failure could occur through a gradual release rather than an immediate collapse; however, slow erosion of the embankment could also take place, potentially resulting in catastrophic failure as indicated by the inundation mapping.

Following the discussion, Councillor Hanna proposed to accept the officer's recommendations, which was seconded by Councillor D Murphy.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor D Murphy it was agreed to issue an approval in respect of planning application LA07/2024/0444/F supporting officer recommendation as contained in the Case Officer Report.**

(2) LA07/2023/3405/F

On agenda as a result of the Call-In Process

Location:
Adjacent to No.4 Edenmore Road, Mayobridge, Newry, BT34 2JH

Proposal:
Barn conversion and single storey extension to form dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mr Keane outlined the application, located within the countryside with the case officer's report taken as read. He explained that the SPPS was the prevailing policy for conversion proposals in the countryside and applied a stricter test than Policy CTY 4 and that while the SPPS supported the sympathetic conversion of locally important buildings, such buildings were generally those with architectural, historic or design merit. He stated that the subject building was not considered locally important, describing it as a small, single-storey agricultural outbuilding of limited visual impact and no particular merit or significance within its setting.

Mr Keane further advised that, notwithstanding the objection in principle, the proposed works were also unacceptable as the footprint and scale of the extensions exceeded that of the existing structure and were not sympathetic to its scale, massing or character, which was contrary to policy requirements.

Speaking rights:

In Support:

Mr Jess spoke in support of the application, stating that the Council had not consulted HED on the archaeological baseline report and questioned why this had not been done. He highlighted that the Gahan & Long report identified the building as locally important and historic, contributing to the character of the landscape, and that its conversion would preserve this contribution and the long-standing family association with the site. He referenced Griffiths Valuation records showing the property's historical ownership and noted that the barn had cultural significance as a longstanding céilí hall, including its use in a BBC documentary about the Sands family singers.

Mr Jess further argued that the building met the criteria for conversion, being of permanent construction and shown on the 1832 Ordnance Survey map, with the structural survey confirming it was sound. He stated that the proposed conversion would retain the building's form and character, enhance its setting by removing overgrowth, and use sympathetic materials and design for the extension. He concluded that the single dwelling would be appropriate for the countryside, would not harm neighbouring amenity or agricultural use, and urged Members to scrutinise the Planning Department's view that the building was not locally important.

Councillor Rice sought clarification from the Planning Department regarding why the building was not considered to be of historic interest, in light of the agent's statement.

Mr Keane explained that the Planning Department's recommendation was based on a site visit and an assessment of the building's condition and presentation, applying the relevant policy test. He noted that the SPPS applied a stricter test for historic importance and confirmed that the Department had concluded the building's historic significance was limited due to its size, the fact it had been previously replaced, and its lack of local contextual

relevance. Mr Keane also confirmed that the building being structurally sound did not satisfy the policy requirements for conversion.

Councillor Rice asked for the agent's response to the Planning Department's assessment, to which Mr Jess stated that there was no definitive policy criteria for determining historic importance, making the assessment subjective and argued that the building held historical significance to local people.

Councillor Rice queried whether the Planning Department had considered the wider contextual significance of the building, as referenced by the agent, rather than focusing solely on its physical appearance.

Mr Keane confirmed that local historical significance had been considered but advised that the wider environment did not demonstrate heritage importance. He noted that the building was not listed, there were no nearby monuments, and the structure appeared as a standard small barn in a field. While the local importance was acknowledged, the Planning Department concluded that the building was not a locally important structure.

Councillor D Murphy asked whether any consultation had been carried out with local residents, or whether the application had been considered only on the information submitted.

Mr Keane confirmed that the application had been processed in line with statutory requirements and that required notifications had been issued, advising that the Planning Department was required to work within its remit and could not go beyond statutory limits in terms of consultation which could be open to challenge or allegations. He reiterated that the building was not listed, was not within a conservation area, and there was no reason to seek further consultation.

Councillor D Murphy stated that the Planning Department were not going to be find out local historical significance without speaking to those within the area and queried whether the Planning Department was aware that the building was over 200 years old.

Mr Keane confirmed that the building appeared on the first edition map, but that the second edition map showed different buildings, indicating that the current structure was a replacement. He added that age alone did not determine historical significance and that it was not a policy test.

Councillor Hanna queried whether the Planning Department were aware that there could be oral history associated with the building, which would not be known unless local residents were consulted. He agreed with the agent that many similar buildings had been lost and asked whether the Committee could form their own opinion on the building.

Mr Keane confirmed that Members were entitled to decide, however he reiterated that the Planning Department's assessment was based on planning policy and the 21-page archaeological impact assessment submitted with the application. He noted that the building was not listed or protected, there were no scheduled or unscheduled monuments nearby, and it was located in a field and presented as a small outbuilding. He also confirmed that building age was not part of the policy test.

Councillor Hanna stated that he was aware of significant historical finds in similar buildings and believed that this building should be protected to avoid potential loss of history. He

asked whether the agent, Mr Jess, had any additional evidence to support retaining the building beyond what had been submitted. Mr Jess responded that he believed the Planning Department had not consulted with HED based on the archaeological survey provided, and he reiterated that the site was a roadside plot forming part of a group of buildings and was significant to local residents.

Councillor Hanna added that, although there was no evidence to support the claim, he accepted the possibility that the building may have been large enough to accommodate significant historical gatherings, such as weddings and celebrations.

Following a query from Councillor McAteer regarding further corroborating evidence of the building's historical significance, Mr Jess explained that the archaeological impact assessment was a desk-based research project into the local history of the building, confirming its structural importance. He highlighted that the building appeared on both the 1st and 2nd edition maps, and noted that the assessment referenced local battle sites, four monuments within 500 metres, and one nearby scheduled monument, all of which supported the building's historical significance. He also stated that 100% of the existing structure would be retained, stating that it was structurally sound and that the existing openings would be preserved as windows and doors.

Councillor Rice proposed to overturn the recommendation to approve the application, stating that he believed it was essential to preserve a locally important building stating that he believed the building had been demonstrated as locally significant and that the proposed subservient design, together with the retention of the original stone walls, was sympathetic to the existing character of the structure.

Councillor Larkin noted that Mr Pat Rooney had indicated to address the Committee prior to requesting a proposal and invited him to speak.

Mr Pat Rooney stated that the SPPS and PPS 21 were restrictive policies that required careful consideration when assessing the application and the implications of any decision. He warned that approving this application on the basis that the building was "locally important" could set a precedent for similar applications across the District. He noted that the Committee had heard from the Planning Department and should have read the Case Officer Report detailing the Department's assessment and cautioned that overturning the recommendation for what appeared to be a standard outbuilding, with no historical evidence attached, no support from a statutory agency, and only oral or folkloric claims of significance, would be unwise. He advised the Committee to proceed with caution before approving the proposal.

Councillor Larkin noted that there was a proposal made that needed actioned.

Councillor Hanna seconded Councillor Rice's proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3405/F contrary to officer recommendation as contained in the Case Officer Report.**

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

(3) LA07/2024/1557/F

On agenda as a result of the Call-In Process

Location:
39 Seaview, Warrenpoint, Newry, BT34 3NJ

Proposal:
Proposed replacement dwelling with associated landscaping work

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mr Keane outlined that the application sought full planning permission for a replacement dwelling within the settlement limits of Warrenpoint, on a prominent site fronting Seaview and the shore, and within the Area of Townscape Character (ATC) and AONB. He noted that the existing dwelling would be demolished and replaced, and that demolition consent was required due to the ATC designation. He confirmed that the proposed new dwelling would be partly two-storey and partly single-storey, with access relocated to Springfield Road.

Mr Keane stated that the Planning Department considered the scale, form, proportions, massing, design, and appearance of the proposed dwelling to be inappropriate for the site, failed to respect the established character and pattern of development in the area and appeared visually incongruous compared with neighbouring properties.

Mr Keane further explained that while the area contained varied residential styles, existing buildings respected the ATC and AONB setting and did not conflict with PPS7. Regarding demolition, he noted that there was a general presumption to retain buildings that positively contributed to the ATC, and although the existing dwelling was of some merit, its contribution was limited. The Planning Department would only support demolition if an acceptable replacement was proposed, which was not the case, and therefore it also objected to the demolition. He added that the applicants had been made aware of these concerns during processing but chose not to amend the proposal and requested assessment as submitted.

Speaking rights:

In Support:
Mr Tom Stokes spoke in support of the application, supported by Mr Ciaran Murdock and Mr Ciaran Shields.

Mr Stokes argued that the officer report and presentation recommended five refusal reasons, but that they all fundamentally related to design. He noted that the officers' concerns centred on building lines, proportions, massing, and the contemporary design of the proposed dwelling. Making use of a slide slow to illustrate his points, he highlighted the existing house, and other modern dwellings in the vicinity that had been approved and which he believed positively contributed to the Seafront character, including one that had been recommended for refusal and the Planning Committee had overturned.

Mr Stokes further maintained that the proposal respected the site's topography, kept the new building behind the existing building line, and reduced the seafront vehicular access to increase landscaping. He argued that the contemporary design would add architectural interest and would sit comfortably within the varied streetscape, noting that the majority of the dwelling was single storey and that its scale, massing, and form were appropriate. He also challenged the ATC designation, asserting that the site did not fall within the ATC designation, and that even if it did, the proposed modern dwelling would still be in keeping with the context and would enhance the waterfront.

Councillor Hanna queried the difference in scale between the existing development on site and the proposed scheme. Mr Stokes responded that there was an existing property on the site and a live planning approval to the rear, noting that should the current proposal be granted, the overall quantum of floor space on the site would be reduced.

Following a query from Councillor Hanna, a discussion took place regarding the boundary of the ATC. Mr Stokes stated that the map clearly showed the ATC area and that the proposal site was not included within it; he also noted that nearby approved applications did not reference the ATC boundary. Mr Keane, however, confirmed that the Planning Department were satisfied that the proposal site was within the ATC.

Mr Keane advised that there was an anomaly between the ATC mapping and the written text of the area plan, and that while the maps showed two separate ATC areas, the written text confirmed that the proposal site lay within it. He noted that the issue had been raised with the Planning Department three years earlier and that the Department had consistently applied the current approach to the ATC since then. He also confirmed that the other applications referenced by Mr Stokes had not harmed the ATC setting, except for one that was not built in accordance with the approved plans, whereas it was considered that the current application would harm the ATC.

Mr Pat Rooney also clarified that the site was located within the ATC and the fact that the issue was being debated was solely down to an error within the Planning Authority when developing maps.

Councillor Hanna stated the map clearly showed that there were two separate areas of ATC and the proposal was not sited within the ATC, while Mr Pat Rooney confirmed that the issue was an error with the map and stressed that the written word would always take precedence in situation such as these and confirmed that the proposal site was located within the ATC.

Councillor Hanna queried Mr Stokes' opinion on the matter, to which he advised that the map clearly indicated that the proposal site was not located within the ATC, and stated that the design of the building would only enhance the character of the area.

Councillor McAteer noted that HED's consultation response did not mention the ATC anomaly, and that HED appeared content with the proposal, indicating the applicant had complied with their roof design suggestions while considering nearby listed buildings and that their consultation stated that the design would not be harmful.

Mr Keane confirmed that HED had been consulted but clarified that their remit was limited to impacts on listed buildings; they did not provide recommendations on conservation areas or ATC issues, although they might offer design guidance in relation to nearby listed buildings. He reiterated that HED's remit was in regard to any impact on nearby listed buildings, not with regard to Conservation Areas, and confirmed that the Planning Department were of the opinion that the overall scale, form, proportions, design and architectural approach of the proposal was entirely out of keeping with the ATC.

Councillor McAteer stated that HED disagreed based on their consultation response, to which Mr Keane stated HED were not concerned with the design, merely on impact on listed buildings. He reiterated that their consultation was based on nearby listed buildings and not the impact on the ATC.

Councillor McAteer asked Mr Stokes which other design elements he disagreed with in the proposal. Mr Stokes responded that he referenced a previous Committee decision to overturn refusal for No. 10, which he considered similar to the current proposal. He highlighted the eclectic mix of street elevations along Seaview and emphasised that the proposal would close up the existing access, aligning with the character of neighbouring dwellings that had similar access arrangements.

Following a query from Councillor D Murphy regarding the decision date for the Committee overturn of the neighbouring application, Mr Stokes confirmed it was in June 2022 and proceeded to read out the agreed minutes from that meeting.

Councillor McAteer proposed overturning the recommendation to approve the application, citing several reasons.

- He stated that he took comfort from HED's consultation response despite differing view of the Planning Officer.
- He believed the proposal would enhance the seafront, would not significantly depart from neighbouring dwellings, and would improve the environmental quality of the area as a modern dwelling.
- He also considered that the ATC would not be affected due to the site's distance from listed buildings and that the proposal would enhance the ATC's character, noting this was a matter of opinion.
- Additionally, he highlighted that the development scale on the site would be reduced from two houses to one, considering the larger layout of the proposed dwelling and the removal of the live application referenced by the agent.

Mr Pat Rooney interjected to clarify that HED's consultation response only addressed the proposal's impact on the nearby listed building and did not consider the ATC. He reiterated that the Planning Department's view remained that the proposal was unacceptable in terms of scale, massing, form and design, and that it would impact the ATC, therefore HED's response should not be relied upon as reassurance.

Councillor McAteer reiterated that he still took comfort from HED's response in proposing to overturn the recommendation to approve the application.

Councillor Hanna seconded the proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/1557/F contrary to officer recommendation as contained in the Case Officer Report.**

(4) LA07/2025/0327/F

On agenda as a result of the Call-In Process

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

Proposal:
Proposed garage, classic car and boat store, gym, and games room.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mr Keane stated that the Planning Department had no objection in principle to an appropriately sited, sized, and scaled building, but had concerns with the submitted proposal as outlined in the officers' report, which was taken as read. He noted that one objection had been received regarding plan accuracy, proximity to the boundary, and a boundary ownership dispute. Following the initial review, the Department had advised the agent of its concerns, and an amended plan showing a 1m high fence was subsequently submitted. Further suggestions were made by the agent but were not supported by revised plans, and the Department's assessment was based only on the plans submitted at that time.

Mr Keane explained that revised plans submitted in December were received after the application had already been recommended for refusal and progressed to a Delegated List, so the assessment was complete, advising that Members could accept the revised plans but further neighbour notification would be required. He stated that the Department still had concerns about the proposed high fence, describing it as an unsightly and prominent feature in the AONB, and suggested a smaller, re-sited scheme was needed. He also highlighted concerns with the outbuilding's scale, footprint, height, and positioning, which would dominate the host dwelling and be disproportionate in the street scene. Mr Keane added that the first-floor balcony would overlook the adjoining property at No.102, impacting privacy.

Speaking rights:

In Support:
Mr Brendan Starkey explained that the application sought permission for a domestic ancillary outbuilding within the curtilage of 92a Mill Road, Annalong, comprising a ground-floor garage and storage area with a gym/games room above and an external balcony. He clarified that the recommendation was based on outdated drawings showing a 1.0m fence along the northern boundary, and that revised drawings submitted on 9 December 2025 showed a 1.8m close-boarded fence, which materially altered the assessment of overlooking and should be considered by the Committee.

Mr Starkey argued that the outbuilding was a domestic structure within an established residential curtilage and had been positioned to screen an existing unsightly, partially constructed structure on the neighbouring site. He stated that the design was simple and intended to match the host dwelling, with the ridge height set 0.85m below the house, making it subordinate and sympathetic. He further maintained that the siting followed the established local pattern of development with the site being largely screened from Mill Road, so its visual impact would be limited and would improve the locality by concealing the unfinished structure. On the issue of residential amenity, he argued that the relationship between the plots was staggered and that the revised 1.8m fence would prevent any realistic overlooking from the balcony. He also stated that the balcony faced the applicant's own site and did not directly overlook the most private part of the neighbour's garden, therefore the proposal would correct an existing privacy imbalance. On AONB matters, he contended that the outbuilding would integrate with the built context through matching finishes and boundary treatment and would enhance the AONB setting by screening the intrusive neighbouring structure.

Councillor Rice queried whether the amended plans of a higher fence would resolve the Planning Department's concern of overlooking.

Mr Keane confirmed that the amended plans were received after the recommendation was published and therefore constituted new information, leaving it to Members to decide whether to accept them. He cautioned that the site already had a substantial retaining wall and adding a 1.8m fence on top would create a boundary feature approximately 5.5m to 6m high, which could be significant in the sensitive AONB setting. While the fence would reduce overlooking, he warned that it could raise other concerns and would require proper assessment by the Planning Department.

Mr Starkey stated that the applicant had been informed that the Planning Department would contact them if there were concerns with the submitted drawings, but no contact was made before the application was recommended for refusal. Consequently, the applicant submitted amended drawings, which were then referenced to the Committee. He noted that the retaining wall varied in height across the site and would not form a uniform 6m structure as suggested by the Planning Department. He also argued that, as the Planning Department had not raised concerns about a 1m fence, there should be no issue with a 1.8m fence. He added that the site was located down a narrow laneway with few nearby properties, was well screened, and would not create character issues.

Councillor Rice queried the nature of the objection received.

Mr Keane outlined that the objection was in relation to the accuracy of the plans submitted, and the proximity and ownership of the boundary and retaining wall. He noted that the

height quoted was based on the plans submitted by the agent, and if the measurements were incorrect, it was a result of the inaccurate plans submitted by the agent.

Councillor Rice requested that Mr Starkey address the Planning Department's concern that the proposal was unsympathetic to the area, as he had stated that there were similar developments within the area.

Mr Starkey noted that the proposal was located on a narrow, single-track laneway off Mill Road, which contained approximately five dwellings. He highlighted that three of these dwellings had garages positioned forward of the building line and that one property had an unfinished structure that had remained incomplete for over 15 years, stating that the proposed development would screen this uncompleted structure from view, enhance the residential character of the area, and overall benefit the locality's appearance.

Councillor McAteer queried the structure, to which Mr Keane noted that he did not believe it was completed and while it may be considered a blight on the landscape, the proposal was a much larger structure.

Councillor McAteer requested Mr Starkey to address the difference in measurements mentioned and queried the accuracy of the plans submitted.

Mr Starkey stated that the issue was that the wall staggered across a variety of heights as it traversed the garden, with his measurements ranging from 2m to just over 3m depending on location. Mr Keane confirmed that a fence on top of this would increase the retaining wall height to over 5m in locations, which was a concern of the Planning Department.

Following a query from Councillor McAteer regarding the overlooking concern and the balcony, Mr Keane confirmed that the view from the first-floor balcony of the proposal would be overlooking the neighbour's property. Mr Starkey advised that the balcony was recessed, enclosed on either side by walls, facing the bottom of the garden, to view the neighbour's property would be difficult. He stated that the proposed heightened fence was a belt and braces approach.

Councillor Rice requested clarity on the amended drawings that had been submitted.

Mr Keane confirmed that they had been received following the refusal recommendation being made, and that it was a matter for Members to decide if they wished to accept them. He advised that if the Committee did wish to consider them, then a further round of neighbour notifications would need to be carried out to allow interested third parties the opportunity to consider the amendments in line with legislative requirements.

Councillor Rice requested legal opinion on the matter.

Mr Peter Rooney highlighted several issues arising from the application, which he described as essentially being for a simple garage structure and therefore not normally complex. He raised concerns about fairness to both the applicant and the Planning Department, questioning why the amended drawings were not submitted before the recommendation was issued, and stressed that it was the applicant's responsibility to engage with the Planning Department in a timely manner.
Mr Peter Rooney also cautioned that if the Committee were to make a decision based on new information that had not been reviewed by the Planning Department, it could create legal anomalies. He noted that the Planning Department's recommendation was based on

the original plans submitted, and that the amended plans did not alter the structure itself but only the proposed screening. He therefore advised the Committee to be cautious about considering new information that had not been properly assessed by the Planning Department.

Councillor McAteer then proposed to accept the officer's recommendations. As there was no seconder for this proposal, Councillor Larkin declared the proposal lost.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that he believed the late-submitted plans would improve the appearance of the unsightly lane. He considered that the proposal would not conflict with PPS 7 and would instead enhance the visual quality of the area, with the amended drawing of a 1.8m fence helping to reduce any impact on residential amenity due to the well-separated houses and large gardens. He also recommended that the fence be installed prior to construction beginning, given the dispute over ownership. Councillor Hanna further stated that he did not consider Policy NH6 to be offended, noting that the proposal would be screened when approached from one direction and would fit the character of the area when viewed from the other direction.

This was seconded by Councillor Larkin.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of planning application LA07/2025/0327/F contrary to officer recommendation as contained in the Case Officer Report.**

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

Councillor Larkin requested that item 13 – LA07/2022/0773/O be heard next, prior to breaking for lunch, with item 12 – LA07/2023/2585/F being heard after lunch break.

(5) **LA07/2022/0773/O**

On agenda as a result of the Call-In Process

Location:
Lands at 2 to 10 Killyleagh Street, Crossgar

Proposal:
Housing development comprising of 4 dwellings and 8 apartments.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:
Mrs Ferguson outlined the proposal, confirming that the case officer's report was taken as read and that consideration was based on a revised proposal. Two letters of objection were received from the occupant of No. 12 Lislea Drive, and the issues raised were addressed in the report. Consultations had been carried out with NI Water, DFI Roads, DFI Rivers, WMU and Environmental Health, with responses summarised in the report. She stated that the site was within the settlement development limits of Crossgar as defined in the Ards and Down Area Plan 2015.

Mrs Ferguson summarised the revised layout, noting that the scheme included two dwellings and a block of two apartments along the site frontage, separated by the access, with a further two dwellings to the east replacing No. 10. To the rear, there was an upper floor of apartments with ground-floor parking and a single two-storey block containing four apartments. She highlighted that the plot depth of 33m was significantly less than required for back land development and that the proposal would amount to overdevelopment, contrary to Policy QD1(A) of PPS 7. She added that the separation distances would result in overshadowing, loss of light and visual intrusion to neighbouring properties, particularly those on Lislea Drive and Lislea Gardens, failing Policy QD1(H). She further noted that the development did not meet the criteria of the PPS 7 addendum, with a density higher than the established area, an incongruous street scene, and failure to meet space standards, thereby conflicting with Policy DES 2 of the PSRNI. She also stated that parking arrangements were unsatisfactory and did not comply with AMP 2, AMP 7 and QD1(f). In conclusion, she advised that the proposal was unacceptable and failed to comply with the relevant planning policies.

Speaking rights:

In Support:

Mr Tumelty spoke in support of the application, noting that the site was within the Crossgar settlement and had previously been used for housing and commercial purposes. He emphasised that the outline layout was illustrative only and that the proposed density was comparable to nearby development on Lislea Drive. He also stated that the scheme reflected the varied architectural character of Killyleagh Street and Downpatrick Street, and that the separation distances complied with Creating Places, with amendments made to address the sole objection received.

Mr Tumelty maintained that DFI Roads had no objection in principle and that the proposed parking provision was adequate, noting that the previous use as a car lot provided 18 spaces and that the new development required 17, with additional on-street spaces available. He also argued that the access would not be intensified, as the previous use involved significantly more vehicle movements than the proposed residential use. He confirmed that other consultees, including NI Water, NIEA WMU, Environmental Health, and DFI Rivers, had raised no objections and requested that the Committee overturn the officer's recommendation and grant outline planning approval.

Councillor Hanna clarified that the application was an outline application and questioned the level of detail provided. Mr Tumelty explained that the agent had submitted additional detail to seek approval for works on the overgrown site, and that the agent understood a further application would be required for the subsequent detailed proposals.

Councillor Hanna requested details regarding the objection received. Mr Tumelty advised that the objection had been raised by a local resident, and that the applicant had since approached the resident and submitted amended drawings to address the concern.

Councillor Hanna queried the proposed traffic movement in and out of the area. Mr Tumelty advised that the application reduced the number of car parking spaces by four, and that on-street parking was available in Crossgar in addition to parking within the site. He noted that the applicant had previously operated a car business on the site, therefore there would be no intensification of traffic as a result of the proposal.

Councillor D Murphy clarified that the application was for outline planning permission and queried what the Planning Department would deem acceptable given the size of the site.

Mrs Ferguson confirmed that the application was an outline application, and that a further application would be required should outline permission be granted. She stated that the Planning Department must assess the proposal based on the information submitted and could not speculate on what might be acceptable in the future. She also noted that there was no evidence the site had previously been used for car sales, that the proposal would result in an intensification of traffic, and that the site would not be capable of accommodating 14 parking spaces.

Councillor D Murphy queried whether the proposal would increase parking congestion in the area. Mr Tumelty responded that four dwellings had already been demolished on the site and that the remaining land was suitable to accommodate the proposed apartments to the rear.

Councillor Larkin queried the three objections that had been raised and whether they had been overcome as referenced by Mr Tumelty.

Mrs Ferguson advised that she did not believe that they had been overcome as the proposal was overbearing and dominant to the existing dwellings, with gable wall facing onto the back of properties, the separation distance detailed within the report were unacceptable.

Councillor Larkin queried whether the principle of development had been established given that the proposal was an outline application. Mrs Ferguson confirmed that while there was a principle of development on the site, the quality of the residential development would still need to adhere to guidance and policy, and the proposal as submitted was unacceptable. Mr Pat Rooney added that the red line submitted with the application was acceptable in principle, although it contained no details regarding concept plans.

Councillor Larkin then asked if Mr Tumelty would be content to amend the proposal description, to which he confirmed he would be happy to address concerns should outline permission be granted. Councillor Larkin further clarified with the Planning Officers that changing the description to "housing development" based on the submitted red line, without a concept plan, would establish the principle of development and allow subsequent applications to address detailed concept plans. Mr Pat Rooney confirmed that while the submitted layout was unacceptable, the red line and amended description would be appropriate.

Councillor McAteer requested clarification as to what amendments were to be made, with Councillor Larkin confirming that reference to the number and type of dwellings would be

removed to establish the principle of development, and a further application would be required to follow up on the outline permission.

Councillor Larkin then proposed to approve the application based on the red line submitted, the removal of the concept plan and the amended proposal description and with conditions delegated to officers. This was seconded by Councillor McAteer.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2022/0773/O contrary to officer recommendation as contained in the Case Officer Report, based on the red line as submitted, the removal of the concept plan and an amended proposal description.**

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

The meeting did then recess – 12.55
The meeting did then resume – 13.35

(6) LA07/2023/2585/F

On agenda as a result of the Call-In Process

Location:
Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle

Proposal:
Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mrs Ferguson explained that the application sought full planning permission for the demolition of existing buildings and the erection of a 14-unit aparthotel, including a restaurant, ancillary golf storage, and associated site works at Nos. 59–61 and 63–65 Main Street and Nos. 2–4 Valentia Place, Newcastle. She noted that the assessment was based on amended plans received on 13 March 2025, and that one objection had been received from No. 57 Main Street, which had been fully addressed in the case officers report. She confirmed that consultations had been undertaken with Historic Environment Division (HED), NI Water, DfI Roads, DfI Rivers, SES, WMU and Environmental Health, the site was within

Newcastle town centre, the Primary Retail Core, and the AONB. She acknowledged that the proposal would bring tourism benefits and town centre regeneration, which were given appropriate weight in the planning balance.

Mrs Ferguson outlined the principal concerns, stating that the key issue was the scale and massing of the proposed building, particularly the step-up to four storeys in the centre of the scheme. She said that, despite some setbacks on upper levels and removal of plant from the fifth level, the step-up would still be visible from Main Street and would appear incongruous within the terrace, potentially setting an unwelcome precedent for similar development. She also reported that the rear block onto Valentia Place would appear as a large, block-like form, which would be out of character with the street and the existing pattern of development. Mrs Ferguson added that the scheme would have an overbearing impact on adjoining properties and would cause overlooking and significant overshadowing, particularly affecting No. 57 Main Street, including its south-facing window and rear flat roof amenity area. She stated that the proposal was therefore contrary to tourism, AONB, and residential amenity policies and that it would have a detrimental visual impact on the Mourne AONB.

Mrs Ferguson further explained HED considered the proposal to fail PPS 6 BH11, as the height and massing of the upper levels would disrupt the visual harmony of the terraced row and would affect the setting of key heritage landmarks along Main Street. She concluded that, while the economic and tourism benefits were material considerations, they did not outweigh the planning concerns, and that the revised scheme did not sufficiently address the issues of scale, massing, design, residential amenity, and built heritage impact.

Speaking rights:

In Objection:

Mr Barry Hillen spoke in objection the application, stating that his concerns raised throughout the application process had not been addressed and requested that the Committee reconsider these issues and ask the applicant to revise the proposal. He explained that, on behalf of the owner of 57 Main Street, Newcastle (which adjoined the northern boundary of the site), they supported redevelopment but believed a more considered response was required for neighbouring properties as the proposal would build directly in front of a south-facing window at 57 Main Street, which he described as unacceptable. He also raised concerns that the proposed four-storey building would overshadow and dominate the rear flat roof amenity area and bedroom of the adjoining property, significantly reducing sunlight and appearing overbearing. He stated that the scale of the development was out of character with the surrounding area and contrary to SPPS, as it did not safeguard the existing residential environment. He requested that the Committee take these objections into account and asked Planning to re-assess the scheme, emphasising that they were not opposed to redevelopment but considered the proposal too large and not in keeping with a two-storey context.

In Support:

Ms Donna Lyle, spoke in support of the application, supported by Mr Alan Mains, Mr Paul Flanaghan and Mr Brian Madden.

Ms Lyle stated that Newcastle was a key tourism asset and that the applicant had embraced the opportunity for regeneration through the proposed development. She explained that the application process began with a pre-application discussion (PAD) in April 2022, during

which HED were consulted. The site was located approximately 82m from Newcastle Presbyterian Church within an existing town centre terrace and was not within a Conservation Area or Area of Townscape Character.

Ms Lyle advised that, during the PAD, HED had recommended reducing the Main Street elevation from four storeys to the current height and maintaining the frontage rhythm to protect the church setting. She stated that the design had been carefully developed to reflect architectural features of Main Street, including projected bays, bonding, tall chimneys and dormer windows, with ridgelines and eaves aligned to existing buildings with setbacks and 3D contextual views provided to demonstrate the scheme's compatibility. She noted that further design revisions had been made during the application process, including reduced upper levels, internal relocation of rooftop plant, increased setbacks, and dormers and height reductions on Valentia Place, resulting in a more sympathetic scheme.

Ms Lyle further indicated that, despite addressing HED's initial comments, HED continued to request additional information without providing evidence that the development would materially harm the church setting. She stated that the separation distance and intervening built form would prevent the proposal from dominating the street scene or affecting the church's significance, and that the requested additional viewpoints were unnecessary. She concluded by highlighting the tourism and economic benefits of the development, including increased accommodation, investment, and job creation, and argued that these aligned with PPS 16 objectives.

Councillor Hanna queried parking availability in Newcastle as part of the proposal, expressing concern about potential congestion if guests were dropped off on Main Street. He also asked what safety precautions had been considered for people being dropped off in that area.

Ms Lyle responded that the proposal could not control how people chose to travel, but hoped to influence behaviour through the active travel plan included with the application. She highlighted efforts to promote sustainable transport and noted the appointment of a Travel Plan Co-ordinator.

Mrs Ferguson confirmed that DFI Roads had no objections to the proposal and clarified that parking was not a concern for the application, as it had not been included within the submission. She noted there were other significant concerns with the proposal, but parking was not one of them.

Councillor Hanna queried Mr Hillen's knowledge of the area and raised concerns about potential delivery-related congestion, to which Mr Hillen stated that Valentia Place was a small back road where two cars sometimes struggled to pass due to inconsistent parking. Ms Lyle noted that the proposal included a service management plan designed to manage delivery frequency, restrict lorry size, and limit deliveries to off-peak periods, and confirmed that this approach had been considered acceptable.

Councillor D Murphy queried what consideration had been given to the objection regarding loss of light and amenity space for No. 57, to which Mr Madden stated that the issue had been considered and suggested repositioning the window. He noted that the existing window was located on the boundary line, questioned how it had been permitted given that it presented a fire hazard and did not comply with building regulations. He added that the referenced amenity space was also a safety concern, as there would be no alternative escape route in the event of a fire. Ms Lyle explained that amenity assessments in a town

centre differ from those in lower-density areas. She stated that in high-density locations, some overshadowing and potential overlooking are to be expected, but there was nearby open space that should be considered as part of the residents' overall amenity provision. Therefore, she argued that the loss of roof space should not be seen as a decisive negative factor.

Councillor D Murphy asked Mr Hillen for his response, and he stated that the existing building had been established for a long time, predating the introduction of Building Control. He added that it was inappropriate for a developer to disregard what was already in place when proposing a new structure.

Councillor Rice queried further detail on the adverse impact on the Presbyterian Church.

Ms Stokes, representative from HED confirmed that at the PAD stage the applicant had acknowledged the existing rhythm of the street frontage and noted that HED had recommended an appropriate building height of 2.3 to 3 storeys, whereas the proposal was for 4 storeys. She stated that HED was not opposed to change but considered that any change should be gradual. She also confirmed that HED had not requested views from the rear of the Church until later in the process, but that these views had remained outstanding.

Councillor Rice queried why they requested 3D images had not been provided as requested.

Mr Madden stated that he believed the proposal was an intriguing design that fit well within the character of the area, noting that the replacement building maintained the same ridge line as the previous structure and would have no impact on the setting of the Church. He added that once this was clarified, HED had shifted their concerns to the rear of the Church. Ms Lyle responded to Ms Stokes that the primary enjoyment and appreciation of a listed building occurs from close range, particularly along Main Street, and therefore the proposal would not have an impact on the listed building.

Councillor Rice stated that if he were the applicant and a statutory body had requested images for their consultation, he would have provided them to resolve any issues if there were no perceived concerns, and he questioned why these had not been submitted.

Ms Lyle responded that they had held several meetings with HED to try to reach an agreement but had been unable to do so, and that they had made three design iterations with substantial changes each time. She noted that their conservation architect had advised that there were no concerns, whereas HED maintained that concerns remained.

Following a query from Councillor McAteer, discussion focused on HED's primary role and the wider area surrounding the listed building. Ms Stokes confirmed that HED's main concern was the listed building, but she was confident that a lay person would also recognise the proposal's impact on it. Ms Lyle countered that Valentia Place was a secondary route through Newcastle with minimal footfall and no views of the listed building's front exterior.
Councillor McAteer noted that the apartments located in the centre of the proposal were being met with resistance and queried what consideration had been given to this.

Ms Lyle stated that the scheme had been reduced from 17 to 13 apartments, with those plans being subject to neighbour notification, and Mr Madden reiterating that the proposal was no higher than what had been in place previously and should not be of concern.

Councillor Larkin queried whether there were any inaccuracies that needed to be addressed, reminding those present that this was not an opportunity to put forth further arguments in support of their position on the application.

Mr Hillen confirmed that he was unaware of any inaccuracies, but noted that the window question had not been addressed.

Ms Lyle noted that there had been engagement from the applicant to the owner of No. 57, and it was disingenuous to state otherwise.

Councillor Larkin stated that he was not satisfied with the reasons given for not providing the requested 3D views to HED. He indicated that, as a result, he did not believe the Committee could make a decision on the application based on the Planning Department and HED's recommendations. Councillor Larkin proposed deferring the application to allow the requested images to be submitted, and that the application be returned to the Planning Department for consideration under Delegated Authority once the images had been provided.

This was seconded by Councillor Rice.

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

FOR:	5
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Rice, it was agreed to defer planning application LA07/2023/2585/F to allow for the submission of the HED requested views to be provided, and that the application be referred to the Planning Department for consideration by way of Delegated Authority.**

(7) LA07/2024/1036/F

On agenda as a result of the Call-In Process

Location:
50m NE of 14 McCartans Road, Leitrim, Castlewellan, Down, BT31 9BE

Proposal:
Proposed dwelling on a farm

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:

Mrs Ferguson outlined the application, confirming that no objections had been received and that consultations had returned no objections or standing advice and the site lay within the countryside under the Ards and Down Area Plan 2015 and was assessed under the SPPS and relevant PPS 21 and PPS 3 policies.

Mrs Ferguson advised that the proposal met CTY10 criteria a – c as the site was a roadside plot. However, she explained that the dwelling design was not considered appropriate for a rural farm dwelling, appearing more akin to holiday accommodation, and therefore failed CTY13. She further stated that the siting would create ribbon development when viewed with No. 14 McCartans Road and the adjacent farm shed, which was consistently opposed under CTY14 and the retained CTY8 guidance on visual linkage. She noted that the design and siting also conflicted with NH6 and TSM8 due to the site's location within the Mourne AONB.

Speaking rights:

In Support:

Mr Martin Bailie spoke in support of the application, stating that the initial refusal reason was based on the site not being within a settlement, and that if the other issues could be addressed this matter could potentially be overcome. He noted that the case officer's report had originally viewed the application favourably, recognising that the dwelling would form part of a farm cluster. He stated that ribbon development was later introduced as a key issue, which he believed was open to interpretation and was not clearly supported by the photographs provided or by a site visit. He argued that the proposed dwelling would read as part of a cluster with the farmhouse and existing sheds, rather than forming ribbon development.

Mr Bailie also challenged the suggestion that the proposed building type was unsuitable for a farm dwelling, explaining that the applicant had chosen a modest, economical structure that was commonly used in the Mournes and was appropriate for a single person's needs. He questioned why planning had an issue with this form of accommodation when similar buildings were widely accepted locally. He further noted that the structure was small and modest in scale and argued that it would not have the same impact as larger, more intrusive developments. Finally, he stated that if the committee considered the proposal should be restricted to holiday use, the applicant would be willing to simplify the design to resemble a traditional farm shed.

Cllr Hanna left the meeting at this stage - 2.41pm

Councillor Larkin queried whether the proposal would make use of the existing lane, to which Mr Bailie confirmed that it would, and would have no detrimental impact on the hedges.

Councillor D Murphy noted that the design was different than other farm dwellings and queried whether it would be visible form the road.

Mrs Ferguson confirmed that it would be visible and would read as ribbon development, the proposal was not a typical structure for residential development, and the Planning Department were reluctant to set a precedent for this type of development for farm dwellings. She noted that these types of structures were more akin to holiday parks, and as a stand alone dwelling in this location would not blend in with the built form of the area.

Councillor D Murphy stated that he was not overly concerned with the design of the proposal, understood the circumstances as outlined and stated he was happy to propose to overturn the recommendation to an approval. This was seconded by Councillor Rice.

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

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2024/1036/F contrary to officer recommendation as contained in the Case Officer Report.**

Cllr Hanna was not present for the vote on this item.

(7) LA07/2023/2702/F

On agenda as a result of the Call-In Process

Location:
Land approximately 150m NW of No.55 Magheraknock Road, Ballynahinch, BT24 8TJ

Proposal:
Proposed replacement dwelling house, domestic workshop and associated site works

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mrs Ferguson explained that the application sought full planning permission for a replacement dwelling, domestic workshop, and associated site works at lands approximately 150m north-west of 55 Magheraknock Road, Ballynahinch, noting that the case officer's report was taken as read and that no objections had been received, consultations had been carried out, with DFI Roads highlighting that the A49 was a Protected Route and that the proposal would need to meet the criteria for an exception.

Mrs Ferguson stated that the site was located in the countryside and, although the principle of a replacement dwelling was accepted under Policy CTY 3, the proposal failed to meet the necessary criteria as the curtilage had been significantly expanded beyond the original extent, which was not justified, with the proposed dwelling and ancillary works being considerably larger and more visually prominent than the existing building. She stated that the design, depth, roof form, and layout were not considered appropriate for the rural setting and the additional hardstanding, parking areas, and boundary changes were deemed excessive, resulting in a prominent development that would erode the rural character and fail to blend with the landscape.

Mrs Ferguson further advised that because the proposal did not comply with CTY 3, it could not be considered an exception for a new access onto the protected route and therefore failed to meet Policies AMP 2 and AMP 3, it was contrary to the SPPS and Policies CTY 3, CTY 13, CTY 14, AMP 2, and AMP 3, and recommended refusal.

Cllr Hanna rejoined the meeting during the above presentation – 2.49pm

Speaking rights:

In Support:

Mr Declan Rooney, supported by applicant Mr William James McCormick, challenged the refusal reasons concerning curtilage, visual impact, design, and access, and argued that the proposal complied with policy and warranted Committee determination. He stated that the curtilage was not excessive as officers claimed, noting that historical evidence showed the land to the north-west had long formed part of the property and was only recently overgrown. He also explained that the proposed curtilage of 0.6 acres was consistent with the local pattern of generous plots along Magheraknock Road, where curtilage sizes often reached 1.2 acres, acknowledging that some increase was inevitable but argued that the majority of the dwelling was single storey and would be largely screened by mature trees, with additional mitigation provided by the road alignment, setback, and rising landform. He maintained that, when viewed in context, the development would not have a significantly greater visual impact than the existing dwelling.

Mr Declan Rooney stated that the proposal was informed by the Building on Tradition guidance and local examples, featuring traditional proportions, simple rendered finishes, and a linear form, contended that the height and width were not out of character for the area with contemporary elements that would be screened by mature boundaries. He noted that a previous officer report in February 2025 had found the ancillary works to integrate with the surroundings, and that no material changes had been made since. He disputed the access refusal, asserting that the site had an existing vehicular access onto the protected route, supported by historical use and a remaining tarmac entrance, and that overgrowth did not negate lawful access.

Councillor D Murphy queried whether the existing access had always been in place. Mrs Ferguson confirmed that while the lane was laid out in stone, this did not necessarily mean it was an established vehicular access, as agricultural laneways could also be constructed in stone. She stated that any original access to a dwelling had been abandoned long ago, along with the dwelling itself, and that the current situation would represent an intensification of access, requiring the creation of a new vehicular access onto the protected route. She confirmed that only a field gate currently served the site and that no evidence had been provided to show the removal of original gate pillars.

Councillor D Murphy asked how the original occupants gained access, and Mr McCormick noted that around 30 years ago the laneway had been raised, and the former resident used it for access. Councillor D Murphy then questioned how the Planning Department assessed the impact of a larger modern dwelling footprint compared with the original building. Mrs Ferguson responded that while some increase in size for modern living is acceptable, the proposal represented a significant increase in scale and massing. She noted that the ancillary works were extensive and unjustified, including excavation to the rear and a redefined front boundary increasing curtilage towards the road. She confirmed that the

February 2025 assessment referenced by the agent did not cite ancillary works as a refusal reason.

Councillor McAteer queried the legality of the entrance given the time lapse since the previous occupant. Mrs Ferguson advised that legality did not expire, but access arrangements must meet DFI Roads' standards. Mr Pat Rooney added that the Planning Department must consider the site as it was, noting the access had not been used for years and would require substantial works to meet modern standards, which DFI Roads would require planning permission for.

Councillor McAteer asked whether the access was still used by the farmer, and Mr Declan Rooney confirmed it was in daily use; Mr McCormick also confirmed he had used it by car. Mr Declan Rooney disagreed that substantial works were needed, stating visibility splays were achievable and that a field gate could still represent access to the abandoned dwelling.

Councillor McAteer clarified that DFI Roads had no objection, to which Mr Pat Rooney confirmed that DFI had stated the route was protected and any access would need to meet exception requirements of Planning Policy.

Councillor Larkin proposed overturning the recommendation to approval, stating he believed an existing access existed as detailed by the agent and that upgrade works had taken place. He stated the curtilage increase would not offend CTY13 or CTY14, endorsed the agent's view on the dwelling size, and believed the proposal did not breach policy. This was seconded by Councillor McAteer.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

Cllr Hanna was unable to vote as he was not present for the full presentation of the application.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2023/2702/F contrary to officer recommendation as contained in the Case Officer Report.**

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

The meeting did then recess – 3.18pm
The meeting did then resume – 3.25pm

The Chairperson advised that items 16 (LA072024/1379/O) and 17 (LA07/2024/1380/O) would be heard together.

(8) LA07/2024/1379/O and LA07/2024/1380/O

On agenda as a result of the Call-In Process

Location:
Magheratimpany Road Land immediately NW of 66 Magheratimpany Road, Ballynahinch, BT24 8PA
Magheratimpany Road Land immediately SE of 72 Magheratimpany Road, Ballynahinch, BT24 8PA

Proposal:
Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site A
Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site B

Conclusion and Recommendation from Planning Official:
Refusal
Refusal

Power-point presentation:
Mrs Ferguson explained that the two applications for Sites A and B were being presented together because they were related infill proposals. She stated that the case officer's report was taken as read, noting that one letter of objection had been received and that consultees had raised no objections, with standing advice provided.

Mrs Ferguson stated that the sites were within the countryside as designated in the Ards and Down Area Plan 2015 and that the applications were assessed under the SPPS and relevant PPS 21 policies, with PPS 2 and PPS 3 also applicable. Mrs Ferguson reported that the identified settlement cluster and required substantial and continuous built-up frontage (SCBUF) comprised No. 66 and No. 72 with its detached garage, leaving a gap of approximately 120 metres between No. 66 and the garage. She explained that the gap represented an important visual break and that, while not purely mathematical, it was too large and could accommodate more than two dwellings, which conflicted with the restrictive intent of Policy CTY 8 aimed at preventing ribbon development. She further advised that the removal of the roadside hedgerow to facilitate visibility splays would expose the sites and, combined with a lack of established boundary definition between the two sites, would result in poorly enclosed dwellings requiring substantial new landscaping to integrate, which was considered contrary to CTY 13 criteria B and C. Additionally, she noted that the proposed shared access arrangement was more typical of an urban setting and would detract from the rural character, conflicting with CTY 14. For these reasons, she concluded that the proposals failed to meet Policies CTY 1, CTY 8, CTY 13 and CTY 14, and the Department recommended refusal.

Speaking rights:

In Support:

Mr Declan Rooney, supported by Mr James Davey, spoke in support of the application, noting that the Planning Department had accepted the site formed part of a substantial and continuously built-up frontage, satisfying the first requirement of Policy CTY 8. He explained that the only issue in dispute was whether the gap could accommodate up to two dwellings in a manner consistent with the established development pattern. He noted that the distance between No. 72 and the garage associated with No. 66 measured approximately

118 metres and argued that the Department had relied too heavily on the narrowest plot width along the frontage. He maintained that the proposed plots would average approximately 47 metres in frontage width, which closely reflected the average plot width of around 49 metres along the frontage, and therefore was broadly consistent with the established pattern. He also argued that if the existing plots at Nos. 66 and 72 were placed within the gap, they would sit comfortably without increasing scale or intensity, demonstrating that the gap was not excessive and could reasonably accommodate two dwellings. He said the proposal complied with the policy requirement to respect the development pattern rather than replicate the smallest plot width.

Mr Declan Rooney stated that the site was only visible from its immediate frontage and would not be prominent in the wider landscape, acknowledged that some hedgerow removal was required for visibility splays but said this was acceptable under PPS 21 and could be mitigated by reinstating boundaries. He also argued that the proposed shared access was acceptable under DCAN 15 for paired dwellings on rural roads and did not create an urban character.

Councillor McAteer queried the importance given to the visual break and whether it was a normal expectation, to which Mrs Ferguson stated that it was a matter of judgement but that the Planning Department perceived it to be a break within dispersed development along the road and was read as an attractive visual break when traversing the road and the proposal would interrupt that and not maintain the rural character.

Mr Declan Rooney stated that the Justification and Amplification Text (J&A) stated that an infill on a visual break would be permitted if the gap was a small gap site.

Mr Pat Rooney disagreed with the assertion that the gap site was a small gap site, reiterating that it was not a mathematical exercise regarding gap size but was a planning decision that needed consideration in relation to Planning Policy.

Councillor Larkin requested clarity on the issues raised within the objection, to which Mrs Ferguson noted that they related to issues concerning the character of the area, visual impact, road safety issues, not in the interest of the local environment and had the potential to set a precedent of development along the road.

Councillor Hanna proposed to overturn the recommendation to an approval, noting it's similarity to previous applications. He confirmed that he believed that the proposal was sustainable development in the countryside, did not contribute to ribbon development and that it was an infill site, noting a previous application that had been approved with a gap of 180m, while this had a gap of 120m. He stated he believed that it would not result in suburban style of development and would have very little impact on character of the area. This was seconded by Councillor Rice.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning applications LA07/2024/1379/O and LA07/2024/1380/O contrary to officer recommendation as contained in the Case Officer Report.**

(9) LA07/2024/1513/F

On agenda as a result of the Call-In Process

Location:
20m NE of 65 Kilmegan Road, Castlewellan, BT31 9ET

Proposal:
Erection of a dwelling.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mrs Ferguson outlined the application, advised that the case officer's report was taken as read, with no representations received and consultees raising no objections. The site lay within the countryside and the Mourne AONB, as designated in the Ards and Down Area Plan 2015.

Mrs Ferguson explained that, under Policy CTY 2A, while there was an existing cluster of dwellings nearby, the site was not visually or physically associated with a focal point or crossroads, being approximately 184m from the nearest junction. As such, the proposal did not meet the criteria of CTY 2A, a position consistently supported by the PAC. She added that the farm shed on the lane did not share a frontage with the site and appeared to be unauthorised, meaning it could not be considered as part of a substantial and continuously built-up frontage under Policy CTY 8. She further noted that the proposed plot was significantly smaller than surrounding plots and would be out of character with the existing settlement pattern. Consequently, the proposal did not qualify as an exception under Policy CTY 8 and was considered to conflict with Policy CTY 14, resulting in ribbon development.

Speaking rights:

In Support:
Mr Declan Rooney, supported by Mr and Mrs Kelly, argued that while refusal had been recommended, officers had accepted that the site formed part of an established cluster of development. He noted that the cluster comprised at least four buildings, appeared as a visual entity, was suitably enclosed, represented rounding-off rather than intrusion into the open countryside, and would not adversely affect residential amenity. He emphasised that no planning harm had been identified in terms of landscape character, amenity, or countryside impact.

Mr Declan Rooney explained that the refusal was based solely on the interpretation of Policy CTY2a regarding association with a focal point or crossroads. He argued that officers had acknowledged the existence of a crossroads and included the site within the cluster, but had

incorrectly applied a distance-based test not contained within the policy. He maintained that the proposal also complied with Policies CTY8 and CTY14, would not result in ribbon development, and represented the type of sustainable cluster development envisaged by policy. He therefore asked Members to apply a consistent policy approach and support the application.

Councillor Larkin requested the indulgence of the Committee and proposed that the recommendation be overturned to an approval as he believed that the application complied with CTY2a. This was seconded by Councillor McAteer.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/1513/F contrary to officer recommendation as contained in the Case Officer Report.**

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

(10) LA07/2024/1133/O

On agenda as a result of the Call-In Process

Location:
Lands to the rear of No. 1 Crew Road, Ardglass, BT30 7UJ

Proposal:
Dwelling and garage

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mrs Ferguson outlined the application, noting that the case officer report was taken as read and it contained the rationale for the refusal recommendation. She confirmed that statutory consultees had responded with no objections and standing advice, and one letter of support had been received.

Mrs Ferguson confirmed that the proposal failed to meet the first three criteria of CTY2a, therefore no principle of development had been established, was not an acceptable type of development in the countryside and was recommended for refusal as per the refusal reasons as outlined within the case officers report.

Speaking rights:

In Support:

Ms Clare McParland spoke in support of the application, explaining how the applicant had acquired the site to provide a dwelling, as their existing home within the caravan park was restricted for use as a business manager's dwelling and would need to be vacated due to the sale of the caravan park and retirement. She stated that planning policy did not define what constituted a cluster of development and argued that, contrary to the officer's report, a cluster of four or more buildings existed outside of a farm. She noted that cluster or clachan-style development could be random or linear in form and highlighted that the Council had accepted the caravan park was a focal point centrally located within the cluster. She further advised that the Council had accepted the proposal would not result in visual intrusion into the countryside, that no consultee or third-party objections had been received, and that the closest neighbouring property supported the proposal. She respectfully requested that Members reconsider the recommendation in light of the points raised.

Councillor D Murphy requested clarity regarding the site not having to be associated with the focal point, but rather with the cluster.

Mrs Ferguson noted that the cluster would have to associated with the focal point and a visual presence would be required. She noted that the Planning Department considered there was no visual entity of a considered cluster of buildings, no cluster associated with the focal point and that the focal point too far removed to be considered as a visual entity. She noted that the mature vegetation surrounding No. 5 discounted it from the visual entity.

Ms McParland noted that visual entity was a matter of planning judgement for the Committee, noting that she felt there was a sense of arrival on site, and should not be considered in a sense that all buildings in a cluster have to be viewed from one single viewpoint.

Councillor McAteer noted the Planning Department's acceptance of the caravan park as part of a focal point, and requested clarification of the policy requirement of the site being bound on two sides. Ms McParland noted that the site was bound to the north by No. 5 and to the west by No. 1.

Councillor Larkin queried the agricultural building, and whether it was situated anywhere within the red line. Ms McParland noted that the land was in the wider ownership of the applicant.

Councillor Hanna proposed to overturn the application to an approval, stating he was content that the development lay within a cluster, had the required buildings and appeared as a visual entity within the local landscape. He stated that he believed it was associated with the focal point, the site provided a suitable degree of enclosure, would be easily absorbed into the countryside and would round off what was already in situ and would have no adverse impact on residential amenity. This was seconded by Councillor D Murphy.

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

FOR:	7
AGAINST:	0

ABSTENTIONS: 0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/1133/O contrary to officer recommendation as contained in the Case Officer Report.**

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

P/007/2026: **LDP REVISED TIMETABLE**

Read: Report from Mr J McGilly, Assistant Director: Regeneration, presented by Ms Lois Jackson, Development Plan Manager, regarding LDP Revised Timetable. **(Copy circulated)**

Ms Jackson advised that the item before Members was the Local Development Plan timetable for decision. She explained that the timetable had been revised, noting that the previous revision was made in September 2023, and it was therefore timely to review it. She outlined that the draft Plan Strategy had been published at the end of June and that public consultation had since closed. She stated that the next stage would involve consultation on the representations received to the draft Plan Strategy, which was intended to commence at the end of the month and would be detailed in the following report for noting. She recommended that Members approve the timetable to allow consultation with the Department for Infrastructure for agreement, following which the Programme of Community Involvement would be notified and the timetable published, subject to approval.

Councillor McAteer queried the indicative end date when the report had last been presented as the report noted 2030 as an estimated timeline.

Ms Jackson explained that the timetable had previously been set out differently and was prepared at a time when the full extent of the independent examination process was not fully understood, noting that there were a number of factors outside the Council's control, particularly once the Plan was submitted to the Department and subsequently to the Planning Appeals Commission or other examining body. She confirmed that these factors had now been taken into account, informed by the experience of other councils, and the Planning Department had been advised that the timetable would be reviewed annually as a matter of normal practice and updated as necessary to reflect external influences, and that further amendments in future years would be consistent with best practice.

Councillor McAteer requested clarification on the previous question regarding the end timeline as previously reported to Committee.

Ms Jackson confirmed that the previous date had been 2029, therefore the timetable had been extended by one year to allow for the development of local policies, which were not yet sufficiently progressed. She noted that, on average, the process from draft plan strategy

to adoption had taken approximately four years, with early plans taking up to five years and stated that while the Department and the Planning Service were becoming more efficient, she advised that the timetable could be revisited and amended in future years if circumstances beyond the Council's control required further extension.

Councillor McAteer expressed strong dissatisfaction with the length of time taken for the plan process, describing it as disgraceful. He noted that the previous plan was already outdated by ten years and criticised the lack of progress since 2023, despite assurances that the Department was considering ways to improve and expedite the process. He stated that the situation was not acceptable.

Ms Jackson explained that the process was complex and that the Council had met with the Department on multiple occasions, as had other Councils. She noted that there was a performance improvement program in place but acknowledged that legislative change to streamline the process was slow. While she said the need for reform had been recognised and initiated, she argued that delivery had been too slow. She concluded that the Council was aware of how long the process typically took, based on previous experience from draft plan to adoption, and that the current timetable was therefore an informed estimate.

Councillor McAteer stated that there was nothing Members could do but agree to the report.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor McAteer, the following was agreed:**

- **The draft revised timetable as detailed at Appendix A of the Officer's Report.**
- **Following approval by resolution of the Council, the Planning Department liaises with the PAC prior to submitting the revised Timetable to the Department for Infrastructure for its agreement.**
- **Following agreement of the revised timetable by DFI, that it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015**

ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. 1 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information relating to any individual – and the public may, by resolution, be excluded during this item of business.**

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

The Chairperson advised the following had been agreed whilst in closed session:

P/008/2026: **REPORT ON REPRESENTATIONS RECEIVED ON THE DRAFT PLAN STRATEGY.**

Read: Report from Mr J McGilly, Assistant Director: Regeneration, presented by Ms Lois Jackson, Development Plan Manager, regarding Representations Received on the draft Plan Strategy. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor D Murphy, seconded by Councillor McAteer, to note the report and overview of the draft plan strategy representations as detailed in Appendix A.**

P/009/2026: **HISTORIC ACTION SHEET**

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

AGREED: **It was agreed on the proposal of Councillor McAteer, seconded by Councillor D Murphy, to note the historic action sheet.**

There being no further business the meeting ended at 4.21pm

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 90% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 25 February 2026

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

- **LA07/2023/3241/F** - Land adjacent to the rear of No 115 Chapel Street, Newry, BT34 2DP - - Erection of two semi-detached dwellings including 4 no. car parking spaces and associated site works (amended description)
  APPROVAL

- **LA07/2025/0187/F -** Site falls between St Patricks Avenue Downpatrick and Dunleath Park and is approximately 11m to the east of Number 45 St Patricks Avenue, Downpatrick Avenue - Proposed installation of DDA Access from St Patricks Avenue to Dunleath Park walking trail in the form of a ramp with complimentary steps to the side.
  APPROVAL

- **LA07/2025/0171/F -** Beach Centre, Shop & Toilets Clanmaghery Road, Tyrella, Downpatrick, BT30 8SU - Provision of new disabled access pathway from amenity building to beach.
  APPROVAL

- **LA07/2025/0431/F -** 24 Gantry Lane, Newry, BT35 6FX - Proposed Extension & Alterations to Existing Dwelling and Retention of Garden Room
  APPROVAL

- **LA07/2024/0639/F -** Lands to the east of Camlough Lake, Newtown Road, Camlough, BT35 7JJ - Development of a 'Recreational Hub' to provide facilities for both water and non-water based activities at Camlough Lake. Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway and floating pontoon, kayak storage, picnic areas, vehicular turning and separate bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance of cars and buses, exit lane for cars and associated visibility splays. Separate bus exit point provided onto the Newtown Road to the northwest of the site. Vehicular access track and separate pedestrian pathways provided from the Newtown Road to the 'Hub' facility. Proposal includes landscaping scheme, boundary fencing, drainage system and all associated site works.
  APPROVAL

- **LA07/2023/3341/F -** 22m East of no 16 Chancellors Hall, Newry - Proposed Dwelling
  REFUSAL

- **LA07/2024/1017/F -** On lands 70m east of No. 66 Drumnaconagher Road, Downpatrick - Erection of house and garage on farm as per PPS21 CTY10. **REFUSAL**

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Delegated Application

Development Management Officer Report	
Case Officer: Richard McMichael	
Application ID: LA07/2023/3241/F	**Target Date:**
Proposal: Erection of two semi-detached dwellings including 4 no. car parking spaces and associated site works (amended description)	**Location:** Land adjacent and to the rear of No 115 Chapel Street, Newry BT34 2DP
Applicant Name and Address: Kevin McGovern 14 Betty's Hill Newry BT34 2LY	**Agent Name and Address:** Caoimhe O'Callaghan 20 Castle Street Newry
Date of last Neighbour Notification:	23rd July 2025
Date of Press Advertisement:	27th September 2023
ES Requested: No	

Consultations:

- Dfl Roads offer no objections, subject to conditions. Dfl Roads referred to the representation received in a response dated 30th July 2024 and advised that anyone contravening the highway code should be reported to the relevant authority as the Department cannot account for those not abiding by the highway code.
- Environmental Health offer no objections subject to the applicant ensuring there is a connection of proposed development to the main sewer as per application and in agreement with Northern Ireland Water.
- HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.
- HED (Historic Buildings) notes that there are several listed buildings in the vicinity of the application site but the proposal will not result in any demonstrable harm to the wider setting of these properties with respect to SPPS 6.12 and BH11 PPS6. We note the application site is separated from the listed buildings and screened by existing dwellings and mature planting.
- NI Water originally recommended refusal, as an assessment indicated network capacity issues which established significant risks of detrimental effect to the environment and detrimental impact on existing properties. However, an updated response was received in reference to the information letter provided on the 15/09/2025 which advised that the proposed work within the Newry catchment

would now allow NIW to progress the WWIA. However, the refusal recommendation remains until such time that the assessment is complete and a solution has been agreed upon by NIW and the developer.

Representations:
Two letters of objection, submitted by the same person, were received. No address or name were given. The main concern is road safety whereby the proposed development will result in additional traffic to 'an already dangerous junction'. As per above, DfI Roads offer no objections to the proposal, subject to conditions. (DFI Rds considered the content of the reps received).

Letters of Support	0
Letters of Objection	2
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Summary of Issues:

- Principle of development
- Layout, scale, massing and design
- Access, movement and parking
- Ancillary works
- Amenity
- Natural and built heritage

Site Visit Report

Site Location Plan:



Date of Site Visit: July 2024

Characteristics of the Site and Area

The application site is located within the settlement development limits of Newry. The site is also within an Area of Archaeological Potential. The closest protected area is Carrivemaclone ASSI, approx. 1.8km from the site.

The red line boundary comprises a detached single storey garage and steep lands to the rear of No. 115 Chapel Street which is an end terrace two-storey dwelling. The plot is long and narrow and with steep topography rising from Chapel Street to O'Neill Avenue to the NE and is accessed to the side of No. 115 Chapel Street.

The site lies within a predominantly residential area which comprises a mix of house types and density. The predominant house type being terraced dwellings that lie along

Chapel Street and also within Priory Crescent and O'Neill Avenue directly adjacent the site. Mature hedgerow defines the site along the northern and southern boundaries. The rear boundary is defined by a stone retaining wall and is shared with No. 2A O'Neill Avenue.

Description of Proposal

The proposal involves the erection of two semi-detached dwellings. Originally, the proposal was for the erection of two semi-detached dwellings and 2 no. apartments. The apartments were omitted from the scheme following concerns of overdevelopment.

The dwellings will be set to the rear of the site, in line with the adjacent dwellings within Priority Crescent. A long driveway will traverse through the site from Chapel Street. The existing garage will be demolished to facilitate the development. 4 no. parking spaces to the front of the properties are to be provided.

The dwellings are split level given the rising topography of the site and will provide accommodation over 3 floors. The ridge height from FFL is 10m. Proposed finishes include black roof tiles, PVC RWGs, windows and doors and K-rend plastered walls.



Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

No relevant planning history.

SUPPORTING DOCUMENTS

- *Supporting Planning Statement*, O'Callaghan Planning (August 2023)
- *Biodiversity Checklist and Ecological Statement*, Sterna Environmental Ltd. (September 2024)
- *NI Water response to WWIA Application*, NI Water (26 February 2025)

PLANNING POLICIES & MATERIAL CONSIDERATIONS

This application will be assessed against the following planning policies:

- The Regional Development Strategy for Northern Ireland 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments
- PPS7 Addendum – Safeguarding the Character of Established Residential Areas
- PPS12 – Housing in Settlements
- PPS15 (Revised) – Planning and Flood Risk
- DCAN8 – Housing in Existing Urban Areas
- DCAN15 – Vehicular Access Standards
- Parking Standards
- Creating Places: Achieving Quality in Residential Environments

CONSIDERATION AND ASSESSMENT

Regional Development Strategy 2035 (RDS) and The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) and Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

The proposal in principle, accords with policy RG8 of the RDS which aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

The SPPS is a material consideration in all planning assessments and sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making, while preserving and improving the built and natural environment. It is considered that the proposal is accordance with the principles set out in the SPPS and other policy considerations for the reasons set out further below.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations.

The site is located within the settlement development limit of Newry and an Area of Archaeological Potential as identified by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015.) There are no specific zonings over the site to be developed (white land).

There are no further policies in the plan relevant to the determination of this application, directing the decision-maker to the remaining operational policies of the SPPS and the retained Policies of PP12 and PPS7, in addition to the full list of relevant policy considerations and supplementary guidance listed above, regarding natural and built heritage, drainage and access, movement and parking.

PPS 12: Housing in Settlements

PPS12 Policy PCP1 (Increased Housing Density without Town Cramming) seeks to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents. Policy PCP2 (Good Design) seeks to achieve a high quality of design, layout and landscaping, whilst Policy PCP3 (Sustainable forms of Development) promotes housing within urban areas.

As noted above, the character of the surrounding area is varied in terms of density, form, scale and massing. Due to the topography of the site, it is visible along Warrenpoint Road, specifically at the Bowling Green as shown below.



Application site

The application site is long and narrow and appears to be historically a part of the curtilage of No. 115 Chapel St, which is overgrown and unused. The use of this plot for 2 additional dwellings, whilst retaining sufficient rear amenity space for No. 115 and 113 Chapel Street, recycles this land whilst providing urban housing accommodation.
The original proposal with 2 no. apartments sited along the NW boundary was considered to be overdevelopment which would erode the environmental quality, amenity and privacy enjoyed by existing residents.

The omission of the apartment block and proposed set of semis is welcomed. The set of semis will sit in line with the adjacent dwellings to the SE within Priority Crescent. The resultant density is not at odds with the surrounding area whereby the resultant plots will be similar in size to those within the adjacent housing developments, particularly O'Neill Avenue with narrow plots and long garden areas to the rear. The form, scale and massing will be similar to those dwellings within Priority Crescent in which they will sit in line with. The design of the scheme makes use of the sloping topography given the split-level properties proposed and retention of natural boundaries. Given the narrow width of the site, parking is to the front of the properties which is not out of character given the on-street parking that serves the adjacent developments. Planting and public and private open space is sufficient.

The proposal is considered acceptable to the requirements of PPS12.

PPS 7, Creating Places and DCAN 8

Under PPS7 Policy QD1, planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 sets out the criteria (a – i) to be met for residential development, as considered below. The detailed design principles within DCAN8 are also considered:

a) As per above, the set of semis will sit in line with the adjacent dwellings to the SE within Priority Crescent. The resultant density is not at odds with the surrounding area whereby the resultant plots will be similar in size to those within the adjacent housing developments, particularly O'Neill Avenue with narrow plots and long garden areas to the rear. The form, scale and massing will be similar to those dwellings within Priority Crescent in which they will sit in line with. Whilst the ridge height extends slightly higher than the row of dwellings directly adjacent, the impact of this would not be detrimental to the character of the area given the backdrop provided by the natural screening of the site and the urban context in which the site lies whereby there are competing focuses with higher ridges when approaching the site along several roads including Warrenpoint Road, Old Warrenpoint Road, Chapel Hill and Chapel St.



The design of the scheme makes use of the sloping topography given the split-level properties proposed and retention of natural boundaries. Given the narrow width of the site, parking is to the front of the properties which is not out of character given the on-street parking that serves the adjacent developments. Planting and public and private open space is sufficient. The proposal involves the creation of an access through the middle of the site rising from Chapel St to the rear of the site. Again, this will not be detrimental to the character of the surrounding area given the urban context and existing and proposed planting which will sufficiently aid integration.

b) As noted, the site is within an Area of Archaeological Potential. The site is also in proximity to Listed Buildings, namely St Mary's Church (HB16/30/015) and Convent of Mercy (HB16/30/014 B and HB16/30/014 A). Historic Environment Division (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development. HED (Historic Buildings) is content that the proposal will not result in any demonstrable harm to the wider setting of these properties with respect to SPPS 6.12 and BH11 PPS6 as the application site is separated from the listed buildings and screened by existing dwellings and mature planting. The consultation response was dated May 2024 and was issued in response to the original proposal. The scheme has been reduced whereby the apartment block has been omitted and the semis set on a lower portion of the site with the FFL 5m lower than the original proposal. The Planning Dept has reviewed the response from HED and policy requirements contained with PPS6 and is content the proposal does not offend these policies due to the small scale of the proposal, existing built form and land use. As the scheme has been reduced, re-consultation with HED is not thought to be necessary.

c) Adequate provision is included within the layout for private amenity space to serve the dwellings. Whilst public open space is not required under Policy OS 2 of PPS 8 for developments of this size and scale, a small portion of open space to the front of the properties is proposed.

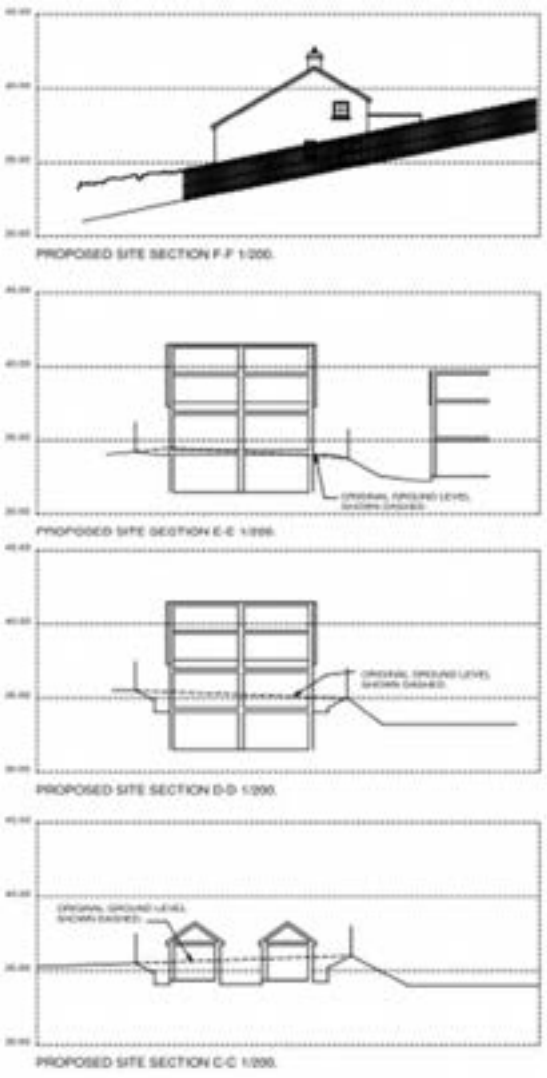
d) Given the scale and nature of the proposal, there is no requirement for the developer to provide neighbourhood facilities.

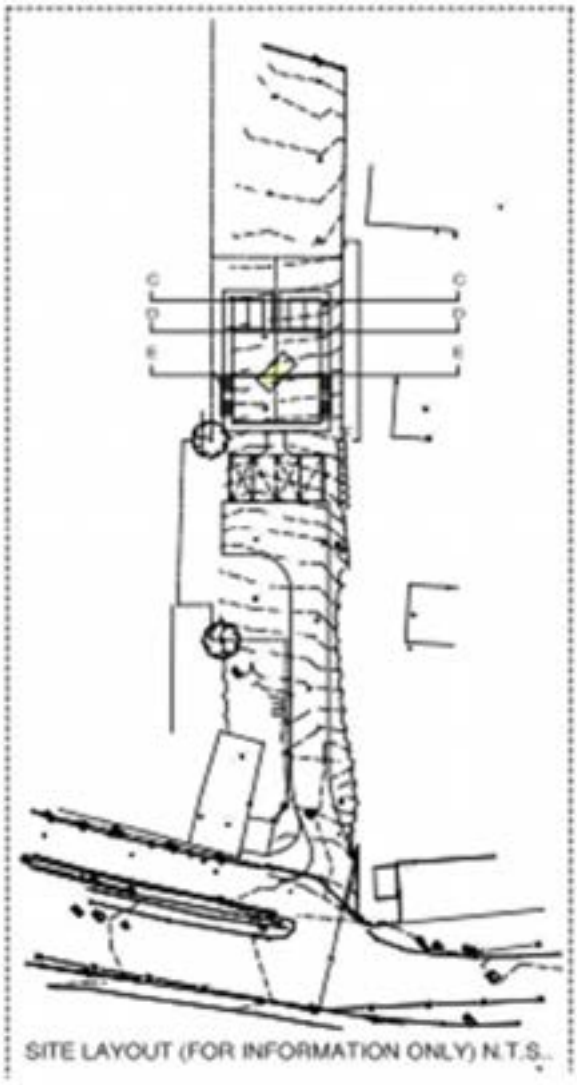
e) The application site is accessible by foot and car from the existing road network. Those with impaired mobility have level access to both dwellings. The location of the site is within walking distance to Newry City Centre and associated public transport routes.

f) Communal parking to the front of the dwellings (and off Chapel St) is proposed at a rate of 2 per dwelling. The requirement within DOE Parking Standards has been complied with.

g) The form, scale and massing will be similar to those dwellings within Priority Crescent in which they will sit in line with. The design of the scheme makes use of the sloping topography given the split-level properties proposed and retention of natural boundaries and appropriate boundary treatments such as hedgerow and low aluminium fencing. Given the narrow width of the site, parking is to the front of the properties which is not out of character given the on-street parking that serves the adjacent developments. Materials include smooth render and roof tiles and PVC windows and are appropriate for use within this urban setting.

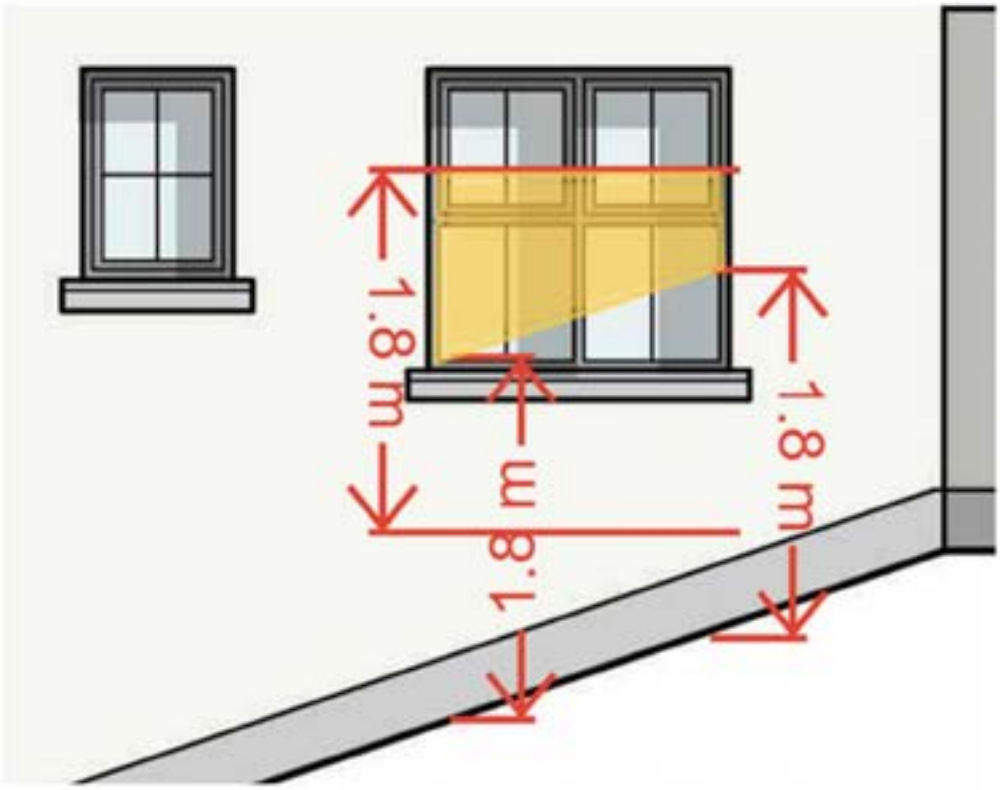
h) The dwelling is proposed to be in line with No. 11 Priority Crescent. The ground floor FFL of the proposed properties is 1m lower than No. 11. The 1st floor FFL is 1.74m high than the ground floor FFL of No. 11.



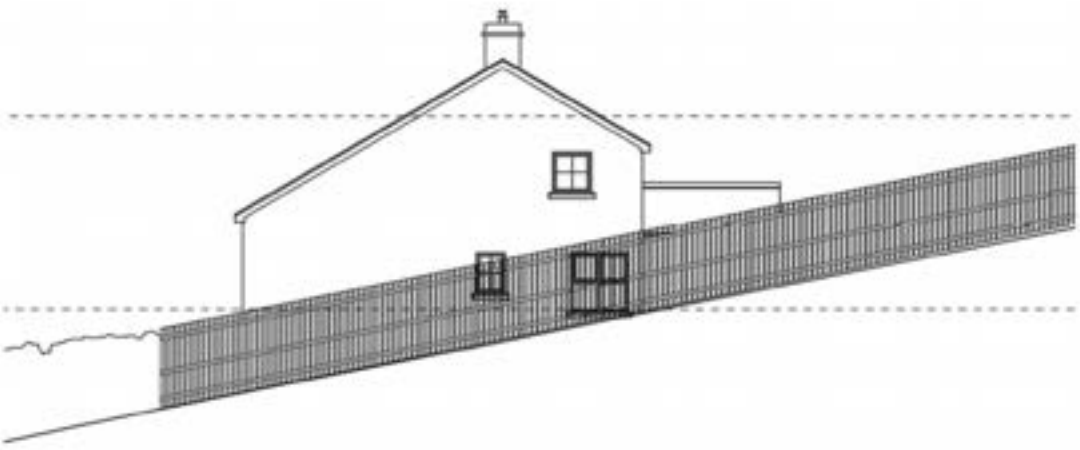


3 no. windows are proposed on the gable facing No. 11, serving a dining area and toilet at FF and a bathroom at SF. The toilet and bathroom windows will be fitted with obscure glazing therefore there are no concerns of overlooking from these openings. The gable is approx. 2.5m from the common boundary. The position of the dining room window was amended, as it would have provided direct sight into the rear garden of No. 11, as shown by the orange area in the 'before' screenshot below. Amendments included increasing the height of the side fence from 1.8m to 2m and moving the window along the side elevation towards the rear elevation. This resulted in a significantly reduced viewable area from the window.

Before:

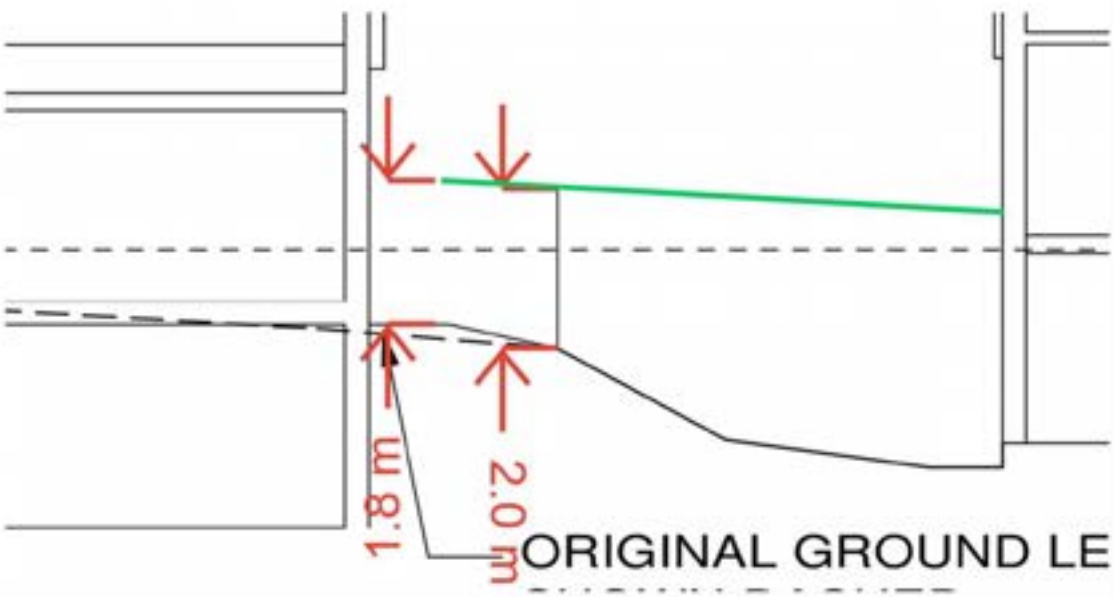


After:



The proposed steps to the side of the property are approx. 1.74m higher than the FFL of the GL of No. 11. A proposed 2m high fence is proposed along this boundary. As shown in the diagram below, the green line illustrates the maximum sightline from the top of the proposed steps, based on a 1.8m eye height, which is above the average height. This demonstrates that, under normal viewing

conditions, visibility towards No. 11 would not exceed approximately half the height of its side elevation, thereby preserving privacy.

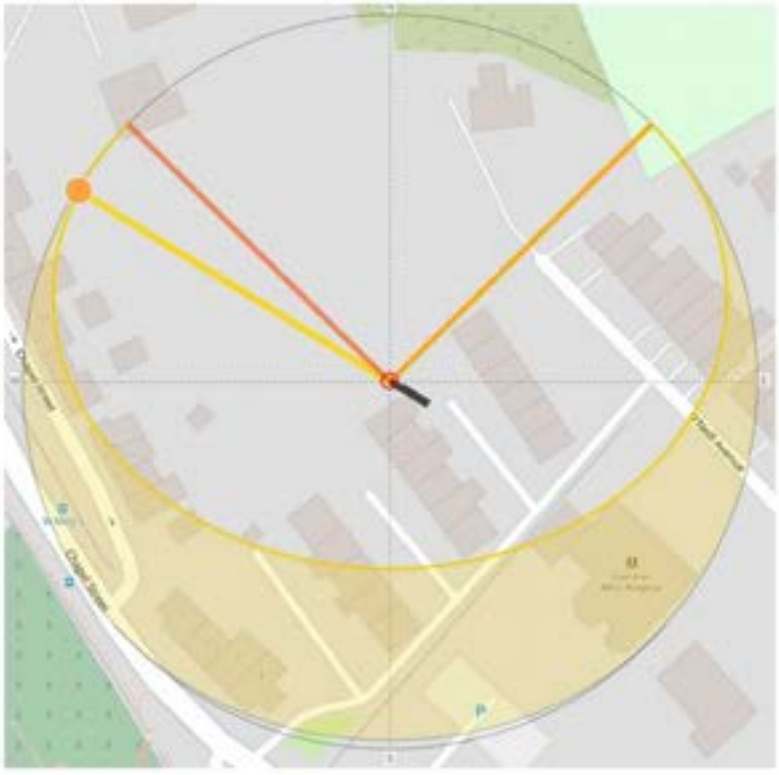


In terms of overshadowing, the diagrams below show (black line) that, even at the height of summer (21 June) at 8pm, when the sun is in the position that would begin creating a shadow from the proposed dwellings towards No. 11, the neighbouring property is already experiencing overshadowing due to the existing higher ground to the northwest. This overshadowing increases over the following hour, during which the rear garden becomes fully shaded. Consequently, the proposed dwellings will not result in any additional overshadowing of No. 11.

8pm:



9pm:



Finally, in terms of dominance, while the site is elevated above No. 11, the ridge line sits broadly in line with the rear elevation of No. 11. As a result, the roof begins to fall away in height beyond this point, before reaching the ridge of the single-storey rear projection, which stands only marginally above the 2 m-high fence. The dwellings will be sited side by side with those existing adjacent although with an enlarged footprint, whereby it is considered the layout, levels and separation distance are such that no unacceptable overshadowing, loss of light or dominant impact will result in this inner urban location. For these reasons, the elevated position would not result in any significant or detrimental impact on the residential amenity of No. 11.

It is considered there is sufficient separation between the proposed development and common boundaries and gables of other adjacent properties along Chapel Street, Priory Crescent and also O'Neill Ave to the rear to alleviate concerns of overlooking, overshadowing and loss of light.

No representations have been received raising concerns of this nature.

i) The curtilage of the dwellings is defined with new boundaries to promote personal safety. Parking is to the front and overlooking by the proposed properties, ensuring security.

For reasons set out above, the proposal is considered acceptable to the requirements of PPS7 Policy QD1 and the supplementary guidance within DCAN8 and 'Creating Places.'

PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas
The site is considered to be located within an Established Residential Area (ERA,) defined as: residential neighbourhoods dominated by medium to low density single family housing, with associated private amenity space or gardens.

Policy LC1 of this Addendum seeks to protect the local character, environmental quality and residential amenity and, as such, the infilling of vacant sites for new housing will only be permitted where all of the criteria within Policy QD1 are met and criteria a) – c) of this policy:

a) The proposed density is not significantly higher than that found within this ERA;
b) The proposed pattern of development is acceptable to the overall character and environmental quality of the ERA;
c) The proposed dwelling exceeds the internal space standards set out within Annex A of the Addendum.

As outlined above, the application site is located within the settlement limits of Newry, which is designated as a city, thus the provisions of the addendum to PPS7 do not strictly apply. However, for the reasons set out above, the proposal is also considered acceptable and accords with the thrust of the requirements of PPS7 Addendum Policy LC1.

A Planning Strategy for Rural Northern Ireland (PSRNI)
Policies DES2 (Townscape) and SP18 (Design in Towns and Villages) are relevant to this assessment, with a requirement for new development to be well designed and related satisfactorily to its townscape setting. DES2 expands on this further, requiring new development to minimise visual, functional and physical disruption and enhance or create interest, vitality and variety.

The proposal would visually link with the surrounding residential development and given the appropriate form, massing, scale and design would not compromise the overall character of the streetscape.

PPS 2: Natural Heritage
The closest protected area is Carrivemaclone ASSI, approx. 1.8km from the site. There are no nationally or internationally protected sites within 100m. There are no priority habitats. There are no watercourses within or adjacent to the site. The site is an area of disturbed ground, on a steep slope, between other houses. The site is dominated by rank grasses, thistle, nettles and bindweed. There are five small to midsized Sycamore and one Sweet Chestnut which will be removed. The site is accessed from Chapel Street, a small garage/shed will need to be removed to enlarge the access. The boundaries are fences and non-native species, with Snowberry frequent towards the rear of the site. There is a block wall at the rear of the site.

A Biodiversity Checklist was submitted by the applicant which concluded that no further survey work is required for the following reasons:

- There are no protected sites present.
- No impact on protected sites is predicted.
- No priority habitats are present on the site.
- No impact on priority habitats is predicted.
- No priority species are present other than widespread birds.
- No impact on priority species is predicted as long as the mitigation is followed.

On the basis of information available, the proposal overall is considered acceptable to PPS2 requirements.

PPS 3 Parking Standards and DCAN 15
The concerns listed in the representations regarding traffic and road safety are noted. The proposal involves the creation of a new 5m wide access onto Chapel St. Dfl Roads in their final response (May 2025,) offered no objections to the proposal.

Dfl Roads referred to the representation received in a response dated 30th July 2024 and advised that anyone contravening the highway code should be reported to the relevant authority as the Department cannot account for those not abiding by the highway code.

On the basis, the proposal in its amended form, is considered acceptable to PPS3 and DCAN15. It is also considered sufficient off-street parking is provided to serve this

development of 2 units and accords with (as set out under PPS7) DOE Parking Standards, subject to the necessary conditions being complied with.

PPS 6: Planning, Archaeology and the Built Heritage
As noted, the site is within an Area of Archaeological Potential and adjacent a number of Listed Buildings. Historic Environment Division (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development. HED (Historic Buildings) is content that the proposal will not result in any demonstrable harm to the wider setting of these properties with respect to SPPS 6.12 and BH11 PPS6 as the application site is separated from the listed buildings and screened by existing dwellings and mature planting. The consultation response was dated May 2024 and was issued in response to the original proposal. The scheme has been reduced whereby the apartment block has been omitted and the semis set on a lower portion of the site with the FFL 5m lower than the original proposal. As the scheme has been reduced, re-consultation with HED is not thought to be necessary.

PPS 15: Planning and Flood Risk
(Revised) DfI Flood maps indicated that the site is not located within a coastal or river floodplain and is free from surface flooding (current and predicted.) Additionally, there is a watercourse c.182m east of the site. The site is not within the inundation area of a reservoir. The proposal does not meet any of the thresholds set out within Policy FLD3 in relation to surface flood risk and the use of lawn soakaways are proposed to deal with surface water drainage from the site.

Given this, the proposal does not present any concerns in relation to PPS15 Policy requirements (policies FLD1-FLD5.)

Utilities and Servicing
The dwelling proposes to connect to mains for foul and surface water disposal. A Waste Water Impact Assessment (WWIA) application (DS91769) has been submitted to NI Water (NIW). While NIW originally recommended refusal, due to network capacity issues, their response has now been updated due to the recent works within the Newry catchment area that has freed up capacity for 400 properties that allows the application to progress.

NIW's position has been noted. The applicant has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

Neighbour Notification Checked	Yes

Summary of Recommendation
Approval, as per assessment above.

Drawing nos. P01, P02 Rev. F, P03 Rev. F, P04 Rev. D, P06 Rev. B

Conditions:

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

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

2. Prior to the commencement of any development hereby permitted, the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P02F. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

   Reason: To ensure there is a satisfactory means of access in the interests of road 12 safety and the convenience of road use

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

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

4. The proposed landscaping and boundary detailing shall be implemented in strict accordance with the approved details shown on Drawing No P04C. New landscaping shall be implemented during the first available planting season following occupation of the dwelling it serves hereby approved.

   Reason: In the interest of rural amenity, natural heritage and to ensure the development integrates into the surrounding area.

5. 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.

6. Closed boarded fencing shall be erected along the site boundaries in accordance with Drawing No. P03F prior to the occupation of the unit it serves, which shall be permanently retained thereafter.

   Reason: In the interests of residential amenity.

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

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

8. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 6, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

Informatives:

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. Should any foreseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

4. Demolition and construction activities should pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites and IAQM Guidance (2014): Guidance on the assessment of dust from Demolition and construction. Appropriate controls for noise, dust and vibration during demolition and construction should be implemented.

5. During construction, noisy activities should be limited to the following times:
   Monday - Fridays 07:00-18:00
   Saturday 08:00 - 13:00
   Sundays and Bank holidays - No noisy work

6. Under the Northern Ireland Wildlife Order (1985), as amended by the Northern Ireland Wildlife Act (2011), it is an offence to recklessly disturb or destroy the active nest of any breeding bird in Northern Ireland. The bird breeding season is by convention taken to be 1st March to 31st August. Any tree, scrub, ivy or

building removal should take place outside this period. If they are to be removed during this period, they must be checked before removal, to confirm no nests are present.
Case Officer Signature:  **Date:** 16/12/25
Appointed Officer Signature: M Keane **Date: 16-12-25**

Delegated Application

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

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

FLD 4 and FLD 5 – not applicable

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

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

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

Representations:

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

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

Objections were on the following basis:

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

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

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

Letters of support:

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

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

Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 22.05.2025

Characteristics of the Site and Area

The site in question consists of a large single dwelling with outbuildings. The site extends from lands accessed via the Ballynahinch Road which is the sole access to the site and the site travels towards the Middle Road but does not abut Middle Road. The northern portion of the site is on lower grounds than the southern portion. A two storey dwelling sits on the site and it is open and exposed. The site currently operates as residential. The site accesses out onto a protected route.

The site is located within the settlement development limits of Saintfield as defined in the Ards and Down Area Plan 2015. The site is within lands liable to surface water flooding. The site is within close proximity to Saintfield Conservation Area and in close proximity to listed buildings. The land use in the area is a mix of residential and retail with the site being directly adjacent to a retail store running the full extent of the eastern boundary of the site.

Description of Proposal

Demolition of existing buildings and erection of 6no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch Road (amended proposal and plans)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

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

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

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

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

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

SUPPORTING DOCUMENTS

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

CONSIDERATION AND ASSESSMENT

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

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

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

Consideration of PPS 7

Policy QD 1 Quality in New Residential Development is considered which states that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. All proposals for residential development will be expected to conform to all of the following criteria:

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

The context of the area has been considered including the land uses of surrounding lands, the architectural styles of development, plot sizes and overall character of the area. The site currently contains a single dwelling with ancillary buildings and a large garden area and is in close proximity to housing both off Middle Road and Ballynahinch Road where the majority of housing consists of detached dwellings. On this basis detached dwellings were a requirement of this development. The change in levels across the site was considered with consideration given to the potential for impact in terms of overlooking and loss of amenity etc as a result of the works and while this will be considered later within the report this consideration also dictated the site layout and design of the buildings.
Following consideration of the design of the buildings and the overall site layout etc it is considered that this element of policy has been adhered to. The overall layout of the site and road network is not dissimilar to the adjacent development known as Lexington Chase, it is noted however that it is not completely comparable.



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

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

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

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

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

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

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

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

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

F) adequate and appropriate provision is made for parking.

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

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

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

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

House type A









House type A is a two storey detached dwelling that sits on an entrance plot and on this basis has been designed with an element of double frontage to face onto the Ballynahinch Road and also onto the estate road.
The finishes include red brick walls, off white PVC windows and anthracite or coal concrete roof tiles. The design, materials and finishes if house type A are considered satisfactory. Objections have been raised in relation to the design and architectural techniques however it is considered that the design draws on different styles within the area noting a mix of styles found within the Saintfield Area.

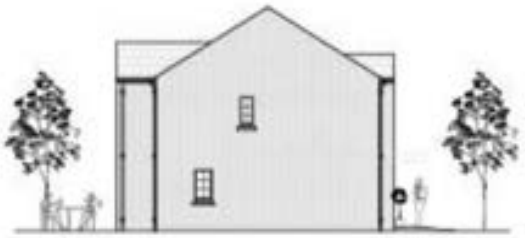
House Type B



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

House Type C









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

House Type D

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









House type D above

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

House Type E

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



HOUSE TYPE E - PROPOSED FRONT ELEVATION



HOUSE TYPE E - PROPOSED SIDE ELEVATION



HOUSE TYPE E - PROPOSED REAR ELEVATION



HOUSE TYPE E - PROPOSED SIDE ELEVATION

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

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

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

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

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

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

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



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

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

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

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

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

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

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity is considered which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas), of which this is, to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

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

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

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

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

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

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

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

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

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

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

Consideration of PPS 6 Planning, Archaeology and the Built Heritage

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

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

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

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

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

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

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

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

Consideration of PPS 3 Access, Movement and Parking

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

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

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

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

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

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

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

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

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

Policy AMP 7 is also considered – car parking and servicing arrangements which notes that Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

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

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

Consideration of PPS 15 Planning and Flood Risk

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

In terms of FLD 3 a Drainage Assessment has been submitted and the logic of the assessment has been accepted with DFI Rivers noting that It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15)

DfI Flood Maps (NI) indicates that a small portion of the site adjacent to the Ballynahinch Road lies within an area of predicted pluvial flooding.
Where there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to obtain advice from competent, suitably qualified persons to assist them in assessing the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.

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

PPS 2 Natural Heritage is considered

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

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

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

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

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

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

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

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

NI Water and Wastewater Treatment Works

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

Neighbour Notification Checked Yes

Summary of Recommendation

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

Conditions:

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

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

2) Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. C104 Rev M.

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

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

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

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

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

5) No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces.

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

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

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

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

Reason: Road safety and convenience of traffic and pedestrians.

8) The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DFI Roads Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

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

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

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

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

10) All hard and soft landscape works shall be carried out in accordance with drawing number 0524.13(D) (proposed site plan), prior to the occupation of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be re-placed in the next planting season with others of a similar size and species un-less the Council gives written consent to any variation.

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

Case Officer Signature: Fionnuala Murray

Date: 29 December 2025

Appointed Officer Signature: B. Ferguson

Date: 30/12/2025

LA07/2024/1288/F – in Objection

PPS 2 Natural Heritage

- The planner states *"Looking over streetview images it is clear that mature trees, planting and a hedgerow within the site have been removed. Given the current day situation on the ground it is difficult to assess if there have been any implications in terms of adverse impacts on protected species and habitats."*

  In the planner's appraisal, there are seemingly no ramifications for the fact the developer has submitted a misleading biodiversity checklist report, in that he has chopped down mature trees during the application process which in his report he describes as still standing.

PPS 6 Planning, Archaeology and the Built Heritage

- The application proposes demolishing the last old manse in Saintfield. The planner believes there is no visual connection between the old manse and the church it deliberately and charmingly faces, because there are until recently mature trees in between them. Not only do I believe the presence of trees is a poor defence to argue against a visual connection and an ecclesiastical grouping between church and manse, regardless, as the planner has noted, these trees are no longer standing anyway, so the planning office must surely conclude there is once again a visual connection between these buildings.
- The planner has given an appraisal on the impact the loss of the existing building will have on the B1 listed church opposite, however there is no commentary whatsoever on the impact there will be on demolishing this historic manse itself, which was central to my objection. In fact, for some reason, the planner has avoided using the term 'Manse' throughout her report to describe the said building, even when summarising my own representations. The fact that Saintfield's oldest and only Victorian manse (c1854; as seen on OS maps available to the planning office) is recommended for demolition without any comment on this social history is concerning, especially given HED suggest the building to be listed locally by the council.
- PPS 6&7 has a plethora of references regarding the importance old (pre-1925) buildings have on local character and retaining them. This building, even when the trees were standing, was clearly visible through most of the front garden and certainly up the driveway when one is standing in the church carpark or driving past. Regardless of its social history as a manse, the building itself clearly has a

notable and long-established presence when exiting the village centre and gives character to an historic village, thus benefiting tourism (PPS 16).

- There has been no effort from the developer (or commentary from the planner) to preserve the historic building that sits on the applicant site which could easily go some way to addressing PPS 6&7&16 well allowing modest development around it.

PPS 3 Access, Movement and Parking / PPS 7 Quality Residential Environments

- DfI Roads, who initially objected, has reiterated that increased access onto a protected route must be exceptional. I do not believe that the reasons provided by the planner count as 'exceptional', and certainly not when the access is on a notorious bend which drivers coming out of the Vivo shop on the same bend regularly complain about.
- A valid objection from '3 The Meadows' regarding car lights exiting the proposed development shining directly into their living space has not been addressed in the decision report.

Cllr Callum Bowsie

Rowallane DEA

Newry, Mourne & Down District Council

LA07/2024/1288/F: 3 Ballynahinch Road, Saintfield

Committee Speaking Note

1. Mr Chair, members, thank you for the opportunity to address you this afternoon on behalf of the applicant Ballygood Homes. My name is John Bronte from Turley and I speak today in support of the application.

2. We welcome the recommendation for approval from the Council's Planning Team and the detailed consideration which the application has received, evident through the Officer's Committee Report which informs your consideration today.

3. The Committee Report sets out how this scheme meets all relevant local planning policy and guidance and, critically, how all statutory consultees have given due consideration to the proposals and identified no concerns, recommending planning conditions where appropriate. This is inclusive of NI Water where requisite network capacity has been identified to serve the development.

4. The Committee Report also identifies how all third-party representations have been duly considered by the Council's Planning Team and statutory consultees in reaching a recommendation to approve supported by a full suite of positive consultation responses.

5. The application represents a high-quality residential scheme comprising 6no. detached dwellings on a previously developed site within the settlement limit of Saintfield. The proposed scheme will provide an attractive living environment for prospective residents and has been sensitively designed with respect to the surrounding streetscape of the Ballynahinch Road and the amenity of existing residents and surrounding land uses.

6. Respecting the established built context, all dwellings are proposed to be two storeys in height with material treatments sympathetic to the local area. Private amenity space in excess of Creating Places standards is provided for each unit alongside a full standard of parking provision.

7. Construction is scheduled to commence later this year subject to the discharge of all relevant pre-commencement conditions.

8. Members, I don't wish to absorb any more of your time and rehearse the detail captured in the Committee Report and presented by officers. We would like to take this opportunity to thank the Council's planning team, in particular Ms Fionnuala Murray, for their proactive engagement through the process.

9. I would be happy to seek to answer any questions that members may have and we would respectfully request that the Committee endorse the Planning Team's recommendation for approval.

Turley

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2025/0187/F	**Target Date:**
Proposal: Proposed installation of DDA Access from St Patricks Avenue to Dunleath Park walking trail in the form of a ramp with complimentary steps to the side.	**Location:** Site falls between St Patricks Avenue Downpatrick and Dunleath Park and is approximately 11m to the east of Number 45 St Patricks Avenue, Downpatrick Avenue.
Applicant Name and Address: Newry, Mourne and Down District Council Downshire Civic Centre Ardglass Road Downpatrick BT306GQ	**Agent Name and Address:** Nicola McEvoy Downshire Civic Centre Ardglass Road Downpatrick BT306GQ
Date of last Neighbour Notification:	10 September 2025
Date of Press Advertisement:	12 March 2025

EIA Determination: Yes
Environmental Statement – No
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.

While the proposal does not exceed the development threshold of 0.5 hectares, the site is located within an Area of Outstanding Natural Beauty (Mourne AONB). It follows that the proposal will therefore fall within Schedule 2, being in a sensitive area.

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. 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.

Consultations:

- DFI Roads – No objection subject to a condition. (21/01/2026)
- Historic Environment Division -HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. (23/09/2025)

Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: December 2025

Characteristics of the Site and Area

The application site comprises a small area of land set just off St Patricks Avenue and extends onto the public footpath. The site hasn't been in use for some time and so has become quite overgrown over time. Along the frontage with public footpath at St Patricks Avenue there is matured vegetation with a small gated access into the site. The sites boundaries are currently undefined.

There is a level change across the site, whereby the public footpath along the north of the site sits at a higher level than the lands extending to the south. As indicated by the proposal description, the new access is proposed to serve pedestrians wishing to access the existing walking trails that run to the south of the site and through to the Dunleath playing fields.

The site is included within the designated settlement limits of Downpatrick as indicated by the Ards and Down Area Plan 2015. The site is also included within the designated Area of Outstanding Natural Beauty (AONB).

Description of Proposal

Proposed installation of DDA Access from St Patricks Avenue to Dunleath Park walking trail in the form of a ramp with complimentary steps to the side.

Planning Assessment of Policy and Other Material Considerations

This application has been assessed against the following planning policy and guidance:

- Regional Development Strategy (RDS) 2035

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement Edition 2 (SPPS2) 2015
- Planning Policy Statement (PPS) 3 - Access, Movement, Parking
- Planning Policy Statement (PPS) 2 – Natural Heritage
- Planning Policy Statement (PPS) 6 – Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8 - Open Space, Sport and Recreation

PLANNING HISTORY

Planning
Application Number: R/2010/0319/Q Decision: Decision Date:
Proposal: Change of use

Application Number: R/1977/0074 Decision: Permission Granted Decision Date: 16 June 1977
Proposal: SHOP SIGN AND PROJECTING SIGN (INTERNALLY ILLUMINATED) STATIC

Application Number: R/1978/0593 Decision: Permission Granted Decision Date: 03 May 1979
Proposal: SPORT AND COMMUNITY COMPLEX

Application Number: R/1985/0294 Decision: Permission Granted Decision Date: 15 April 1986
Proposal: TOWN PARK

Application Number: R/2009/0376/A Decision: Consent Granted Decision Date: 23 June 2009
Proposal: Building signage.

Application Number: LA07/2019/0257/A Decision: Consent Granted Decision Date: 09 August 2019
Proposal: Totem and building signage

Application Number: LA07/2021/0208/F Decision: Permission Granted Decision Date: 06 May 2021
Proposal: Recreational Path

SUPPORTING DOCUMENTS

- Full set of Plans
- Biodiversity Checklist

CONSULTATIONS

- DFI Roads – no objections subject to condition being met. (21/01/2026)

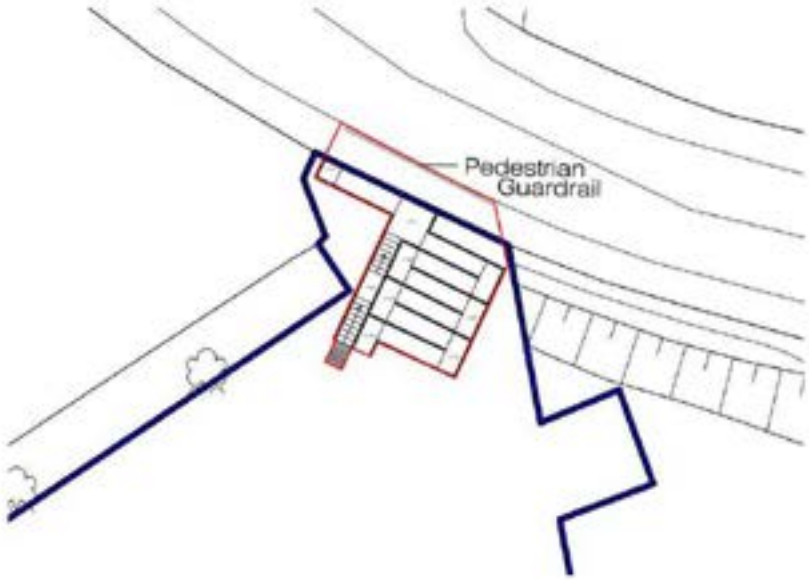
- Historic Environment Division (HED) - HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. (23/09/2025)

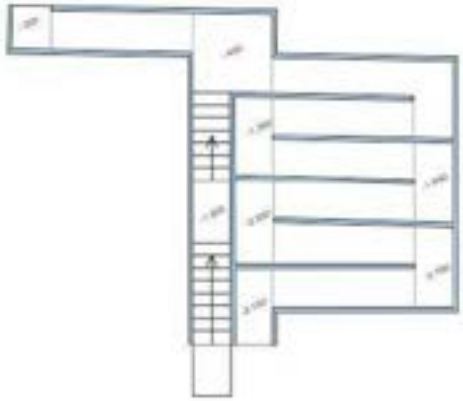
REPRESENTATIONS

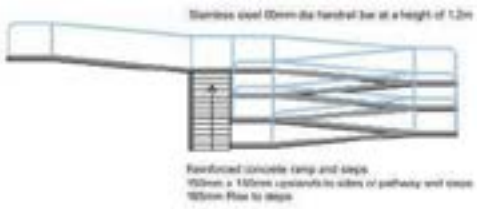
Neighbour notification and advertising was undertaken in line with the statutory requirements. There were no representations or objections received on this application to date.

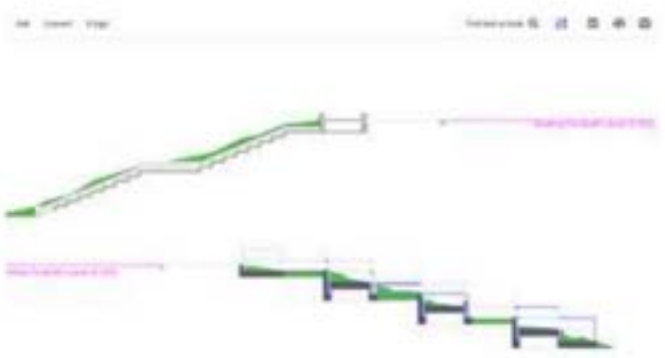
EVALUATION

This application seeks permission for the construction of a new DDA Access to link in with a walking train. The access will be constructed just off St Patrick's Avenue and will consist of a ramp, steps and pedestrian guardrail. The steps and ramp will be formed using reinforced concrete with a stainless-steel hand rail standing at 1.2 m in height from GFL. A pedestrian guard rail, measuring approx. 12.4m in length, will be placed at the footpath along St Patrick's Avenue. See below proposed plans:









Ards and Doan 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 Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP.

The site is located within the settlement limits of Downpatrick. 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 Edition 2 (SPPS2)
The SPPS2 sets out guidance upon which is relevant for the Planning Department to consider. Paragraph 4.15 sets out how planning authorities should encourage and enhance places to ensure that it is accessible to all and enhances opportunities.

Paragraph 4.23 sets out how good design can change lives and it can promote sustainable development through promoting accessibility and inclusivity. The proposal is considered to be sympathetic to the core principles of the SPPS2 in that it seeks to improve health and well-being and recognises that well designed places can have a positive impact on people. The proposal intends to link in with an existing walking trail that extends down to the Dunleath Playing Fields providing access for those wanting to utilise the trail and those with a lack of mobility have been given particular consideration in the design.

It must be noted that this application complies with the general planning principles outlined within the SPPS2. This application is considered sympathetic to its context and is of an appropriate scale.

PPS 3 Access Movement and Parking
AMP 1 Creating an Accessible Environment
The proposal would be considered to be compliant with policy AMP 1 in that it will aim to create a more accessible environment for those who have limited mobility. The proposal focuses on pedestrian priority to facilitate pedestrian movement and ease of access through different land uses. This development will enhance access and create a suitable access for all.

Consultation has been undertaken with DFI Roads on the proposal who advised of no objections subject to compliance with a condition with regards to the erection of the pedestrian guard rail on the footpath prior to the operation of the steps / ramp.

Planning Policy Statement 2 – Natural Heritage
This application was accompanied by a Biodiversity Checklist with the completed Ecological Statement attached. It was noted in the statement that there was no requirement for any further surveys and that removal of a small section of wall, ivy and other small shrubs was required, however these are unsuitable for ground nesting and scrub species of birds. It was concluded that it is highly unlikely the proposed works would have any negative impacts on the surrounding habitats and species. and that will be no impact on protected species.

As the site lies within AONB, then Policy NH 6 of PPS 2 is also applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. The works proposed will be largely screened from St Patricks Avenue due to their positioning and the level change. There will be a pedestrian guard rail positioned on the footpath, however it is not considered to impact negatively on the character of the surrounding area. On considering the small-scale

nature of development and its positioning, on balance it is deemed to be acceptable, given that its use is to facilitate access for all. The proposal would comply with NH 6 of PPS 2.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage
The application site is included within an archaeological site and monument zoning. Consultation was undertaken with the Historic Environment Division (HED). In their response HED (Historic Monuments) assessed the application and, advised due to its scale and nature, they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Planning Policy Statement 8 - Open Space, Sport And Recreation
The proposed development is to link in with existing walking trails at an existing sports facility, Dunleath Sports Playing Fields. As noted above, the steps and ramps will allow pedestrians to access the existing facilities from St Patricks Avenue. As the proposal is improving an existing area of sport/recreation, it is considered that it complies satisfactorily with the policy requirement OS 3.

Residential Amenity
It is considered that the proposal would not be detrimental or negatively impact any neighbouring residential amenity.

The proposal is small in scale and is designed to remain in keeping with the existing area. The proposal will not adversely affect the character of the area. There is no detrimental impact to residential amenity as a result of the proposal.

Recommendation
Taking into account the above, approval is recommended, subject to conditions.

Neighbour Notification Checked	Yes

Summary of Recommendation

Approval with conditions

Conditions:

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

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

2. The pedestrian guardrail must be in place in accordance with Drawing no. 002a published 21st January 2025, prior to operation of the ramp / steps.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users
Case Officer Signature: Laura O'Hare **Date:** 26 January 2026
Appointed Officer Signature: B.Ferguson **Date: 28/01/2026**

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2025/0171/F	**Target Date:**
Proposal: Provision of new disabled access pathway from amenity building to beach	**Location:** Beach Centre, Shop & Toilets Clanmaghery Road, Tyrella, Downpatrick, BT30 8SU
Applicant Name and Address: Damien Clarke Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ	**Agent Name and Address:** Damien Clarke Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ
Date of last Neighbour Notification:	4 August 2025
Date of Press Advertisement:	26 February 2025

EIA Determination: Yes
Environmental Statement: No

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.

While the proposal does not exceed the development threshold of 0.5 hectares given the site area is only 0.04 hectares, the site is located within an Area of Outstanding Natural Beauty (Strangford & Lecale AONB). It follows that the proposal will therefore fall within Schedule 2, being in a sensitive area. 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.

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.

Consultations: see report

Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at Tyrella Beach.



Date of Site Visit: 23rd July 2025

Characteristics of the Site and Area

The lands outlined in red form an irregular shaped site located at the Tyrella Beach, just south of the amenity building and carpark. The site includes the existing pathway which leads from the amenity building towards the beach. The wider site provides a large car parking in an informal arrangement on a sandy/grass surface. A portion of the site is indicated along the front of an existing property at the beachfront and comprises of grass and sand.

The application site is located outside any settlement development limits as designated within Ards and Down Area Plan 2015. The site is situated within a coastal context, directly beside Tyrella Beach, and within Strangford and Lecale AONB and just outside Tyrella and Minerstown ASSI and Murlough SAC.





Description of Proposal

Provision of new disabled access pathway from amenity building to beach

Planning Assessment of Policy and Other Material Considerations

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

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS) Ed 2
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 8: Open Space, Sport and Recreation
- Planning Policy Statement 15: Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside

Guidance – Parking Standards
DCAN 11 - Access for People with Disabilities

PLANNING HISTORY

Enforcement
Application Number: R/2006/0258CA
Decision: Decision Date:
Proposal: Operational Devt

Application Number: LA07/2021/0100/CA

Decision:
Decision Date:
Proposal: Alleged unauthorised siting of a mobile home

Planning
Application Number: LA07/2024/1322/F
Decision:
Decision Date:
Proposal: Minor changes to specification to new amenity block comprising altering sizes and locations of windows and change in specification and an alternative location of the waste water treatment facility as previously approved under LA07/2021/0245/F (amended description and plan)

Application Number: R/1988/0720
Decision: Permission Granted
Decision Date: 17 November 1988

Proposal: Replacement 2 no Chalets and hot food bar
Application Number: R/1989/0678
Decision: Permission Granted
Decision Date: 07 February 1990
Proposal: Conservation of beach and sand dunes and development to include beach parking and toilets

Application Number: R/1993/0359
Decision: Permission Granted
Decision Date: 02 October 1993
Proposal: Proposed amenity complex conservation area protection and beach control

Application Number: R/1997/0700
Decision: Permission Granted
Decision Date: 19 November 1997
Proposal: Formalisation of car parking area, provision of toilet block, new playground, new boundary wall at entrance and formalisation of dune walks

Application Number: LA07/2021/0245/F
Decision: Permission Granted
Decision Date: 14 February 2023
Proposal: Existing toilet block in the car park is to be demolished and replaced with a public beach amenity building accommodating female and male toilets, universal toilet, first aid room, lifeguard store and ground store

Application Number: LA07/2024/0374/NMC
Decision: Application Withdrawn

Decision Date: 14 November 2024
Proposal: - Repositioning of windows
- Change of specification to roof covering
- Change of Agent

Application Number: LA07/2024/1068/DC
Decision: Condition Discharged
Decision Date: 19 November 2024
Proposal: Discharge of condition 3 of planning approval LA07/2021/0245/F.

Consultations:
Environmental Health – No objections
Shared Environmental Services – informal consultation - SES has reviewed the information including the comments of the Biodiversity officer included in the Biodiversity Checklist. Due to the location, nature and scale of the proposal, it is not considered the proposal will have a likely significant effect on the conservation objectives of the nearby marine environment and associated European site designations. As such it is not necessary for the Council to appoint someone to undertake a HRA.
NIEA – Natural Environment Division (NED) (28-01/2026). – No objections

Objections & Representations:
In line with statutory requirements neighbours were required notified on 21-07-2025. This application was advertised in the Down Recorder on 26.02.2025 (Expiry date 12.03.2025). No objections or representations have been received to date.

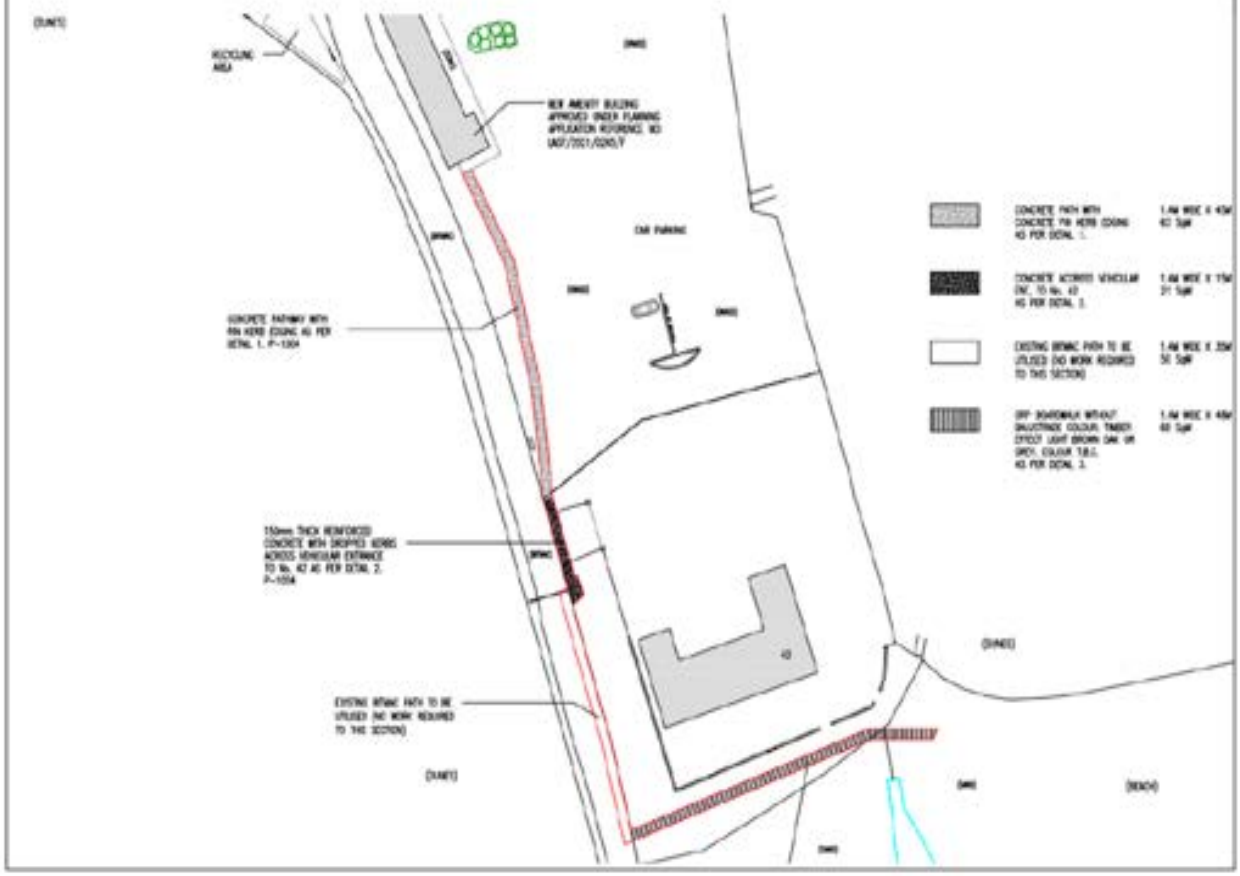
Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement for NI Ireland (SPPS) (Edition-2 thereafter referred to as the SPPS), is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Proposal

The proposal is intrinsically linked with the existing use of the site as a beach which is a designated ASSI (Minerstown and Tyrella) & SAC but also operates for public enjoyment and use, which is also considered a tourist attraction in its own right with access to the beach/dunes, car parking and toilet facilities open to members of the public. The proposal includes the provision of a timber boardwalk to allow people with disabilities to access the beach. The boardwalk will be located just off the existing tarmac path and will be located parallel to the existing building at No 42 in a linear form and will allow a direct pathway connecting car park and existing amenity building to the beach.





Proposed Site layout



IMAGE 1 : GRP BOARDWALK WITHOUT BALUSTRADE

Proposed image of what the boardwalk will look like

Planning Policy Statement 2: Natural Heritage

The application site is within the following National designated site/s:

• Tyrella and Minerstown ASSI, which is declared under the Environment Order (Northern Ireland) 2002.
The application site is in close proximity to the following National, European and International designated site/s:
• Murlough SAC which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);

The part of the red line, where development will occur is an area of amenity grassland and sand. As part of the submission a biodiversity checklist and Ecological Statement (by Council's biodiversity officer) were submitted. Previous surveys were carried out as part of the other planning application on the wider site for the amenity building which is at completion stage, which concluded that no protected species would be impacted as a result. The officer concludes that the amenity grassland on site are heavily managed and so are unsuitable for ground nesting and scrub species of birds. On this basis the proposal will not have any negative effect on the surrounding habitat and species. NED were consulted in July 2025, NED considers the proposed development is unlikely to significantly impact designated site features due to the scale and nature of the proposed development. NED would advise that the Council will need to apply for Assent for the section of boardwalk within the Tyrella and Minerstown ASSI.

Subject to assent approval, case officers are content that there will be no impact on protected species and habitats and the proposal complies with NH 2 & 5 of PPS 2.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) has been considered. Shared Environmental Services (SES) were informally consulted. Due to the location, nature and scale of the proposal, it is not considered the proposal will have a likely significant effect on the conservation objectives of the nearby marine environment and associated European site designations. As such it is not necessary for the Council to appoint someone to undertake a HRA.

On this basis the proposal is in compliance with policies NH 1-5 of PPS 2.

AONB
As the site lies within AONB, then Policy NH 6 of PPS 2 is applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It also states that "new buildings should respect local architectural

styles and patterns'. No building is proposed as part of the proposal, notwithstanding this, the boardwalk is small in size and scale and the materials are deemed to be appropriate, given that its use is to allow those people with disabilities full access to the beach. The proposal would comply with NH 6 of PPS 2.

TSM 8 - Safeguarding of Tourism Assets

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

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

It has already been demonstrated that this proposal is considered to be appropriate development within this AONB. The development would not detract from the landscape quality, and would not be detrimental to the visual amenity nor would it have an adverse impact on this local tourism asset of Strangford and Lecale AONB and would not compromise its tourism value.

Planning Policy Statement 3: Access Movement and Parking

As this is an ancillary element to the overall use of the site then DFI Roads were not required to be consulted. The proposal will not generate any new vehicular movements and access, parking and manoeuvring is deemed to be acceptable.

PPS 8 - Open Space, Sport And Recreation

The proposed development is at an existing recreation facility in the countryside. The development seeks to improve the existing facilities there at present. As the proposal is improving and extending an existing area of recreation, it is considered that it complies satisfactorily with the policy requirement OS 3.

Conclusion

The proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

As this is a Council Application it will have to be presented at the next planning Committee.

Recommendation: Approval

Conditions:

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time Limit.

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

Site location plan – P1000
Proposed Site layout Plan – P1002
Proposed Site layout Block Plan – P1003
Proposed details of Boardwalk – P1004

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

Informatives

1. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
• kill, injure or take any wild bird; or
• take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
• at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
• obstruct or prevent any wild bird from using its nest; or
• take or destroy an egg of any wild bird; or
• disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young;
or
• disturb dependent young of such a bird.
Any person who knowingly causes or permits to be done an act which is made unlawful by any
of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum
and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

2. The applicant's attention is drawn to the following links which provide standing advice and guidance to be considered:
• DAERA Pollution Standing Advice
• DAERA Marine Litter Standing Advice Marine and Fisheries Division Response
• DAERA Marine Wildlife Disturbance Guidance

3. The applicant is advised that the site lies within Tyrella and Minerstown ASSI and that ASSI Assent under the Environment (NI) Order 2002 is required from DAERA/NIEA prior to the carrying out of any works.

Neighbour Notification Checked	Yes
Summary of Recommendation - Approval	
Case Officer Signature: C Moane	**Date:** 28th January 2026
Appointed Officer Signature: B.Ferguson	**Date: 29/01/2026**

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/0462/O	**Target Date:**
Proposal: Infill Dwelling and Garage	**Location:** Adjacent to and 20m north-east of 137 Tullybrannigan Road, Newcastle, BT33 0PW.
Applicant Name and Address: Sean Murray 47 Burrenbridge Road Castlewellan bt319ht	**Agent Name and Address:** Planning Experts 32a Bryansford Avenue Newcastle BT33 OLG
Date of last Neighbour Notification: **Date of Neighbour Notification Expiry:**	24.10.2024 07.11.2024
Date of Press Advertisement: **Date of Press Ad Expiry:**	04.09.2024 18.09.2024

ES Requested: No

The Planning (Environmental Impact Assessment) Regulations (NI) 2017 are considered and the site falls within 10B of schedule 1 and while the site is under 0.5ha in size it falls within a sensitive area being the Mourne Area of Outstanding Natural Beauty therefore Environmental Impact Assessment screening is required.

Consultations:

NI Water was consulted and responded with no objections.

DFI Roads Initially responded to consultation advising that the application was unacceptable and requests that an amended site location plan showing the red line meeting the road edge. Amended drawings were submitted and DFI Roads consider them acceptable.

Environmental Health was consulted and responded with no objections

Representations:

A letter of objection was received from the occupiers of no 137 Tullybrannigan Road and was on the following grounds:

- The acreage of this proposal is too large for an infill site – the objector calculates the plot frontages of 133, 137, and 139 as 16m, 30m and 45m respectively

leaving plot sizes on average less than 31m with a gap of 96m the gap is too large to represent and infill.

- Location – the objector notes the number of dwellings within the area outside of no's 135 and 137 and claims some buildings have not been authorised by NMD Council.

- AoNB the objector believes that the development of the site would negatively impact on the integrity of the AoNB it rests within if developed.

- The objector has raised road safety issues noting the road is a popular bypass and additional traffic will impact on road safety.

- Health and Safety – the objector considers the noise, dust and disturbance will impact on the health of residents surrounding the site.

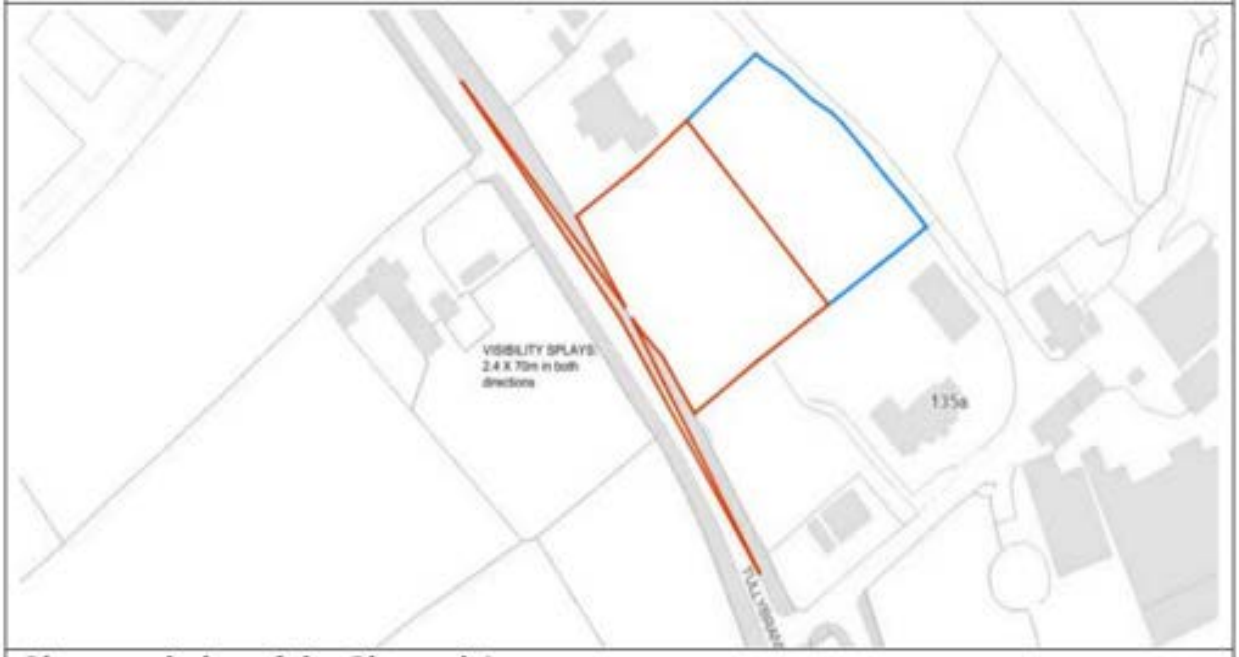
- Privacy, the objector believes the development of the site will impact on privacy and the occupiers right to the quiet enjoyment of their property.

Letters of Support	0
Letters of Objection	1
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	

Summary of Issues: The issues raised by the objector will be considered within the report.

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is a portion of an agricultural paddock being a small square type field that is relatively flat in nature and is bounded to the front by a granite stone low wall, the shared boundary with no 137 Tullybrannigan Road is a mix of a wire fence and high planted hedging and stone walling to the rear of the site. There is no boundary to the rear of the site, being the eastern boundary as the site does not run the full length of the field. The southern boundary is defined by a mix of hedging and thorns. The site sits alongside the Tullybranningan Road and has an agrcicultural field gate directly accessing out onto Tullybrannigan Road.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Mourne Area of Outstanding Natural Beauty. The area is in close proximity to Newcastle however is not in an urban or built up environment and is in the vicinity of single dwellings and farm complexes and further agricultural lands.

Description of Proposal

Infill Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

LA07/2021/0712/O - Immediately South East of 137 Tullybrannigan Road Newcastle - Infill Site for 2 Dwellings and Garages – refusal 29.09.2021

LA07/2020/0474/F - Between 133 and 135 Tullybrannigan Road West 133 Tullybrannigan Road, Newcastle - 1 and a half storey dwelling and garage – Approval 11.06.2020

LA07/2018/1995/O – West of 133 Tullybrannigan Road, Newcastle - 2 Infill dwellings between 133 & 135 Tullybrannigan Road – Approval on Appeal – 05.04.2019

Consideration and Assessment

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 Natural Heritage.
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 16: Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development – CTY 8 of PPS 21 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage (SCBUF) and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the

definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site in question is located along the Tullybrannigan Road and is a small agricultural field. The site sits adjacent to no 137 Tullybrannigan Road (north of the site) to the south of the site is a small paddock and beyond that is the dwelling no 135 Tullybrannigan Road.

The site frontage is approx. 57m wide

135 Tullybrannigan Road was accepted under previous consideration to have frontage onto the Tullybranningan Road, though it is noted that the majority of frontage is onto a lane off the Tullybrannigan Road along with the access to 135. The side garden to no 135 runs to the road and on this basis the previous assessment of accepting frontage onto Tullybrannigan Roads is accepted. 135 Tullybrannigan Road has a frontage of approx. 16.7m frontage

No 135 Tullybrannigan Road has a frontage of approx. 16.7m
No 137 Tullybrannigan Road has an approximate frontage of 34.7m
No 139 has a frontage of approx. 48.5m however the appearance of frontage also includes an area of ground to the side of no 139 that appears maintained, this adds an additional 59.5m onto the perceived frontage of no 139.
No 143 has a frontage on the curvature of the road of approx. 90m (including the shared access with sheds to the rear)
No 145 has a frontage of approx. 49m

In terms of a continuous and built-up frontage along this section of road it is noted that heavy planting does reduce the overall ability to decipher individual curtilages however the appearances of buildings, drives and differing boundary definitions and maintained lawns do give the overall awareness of dwellings.

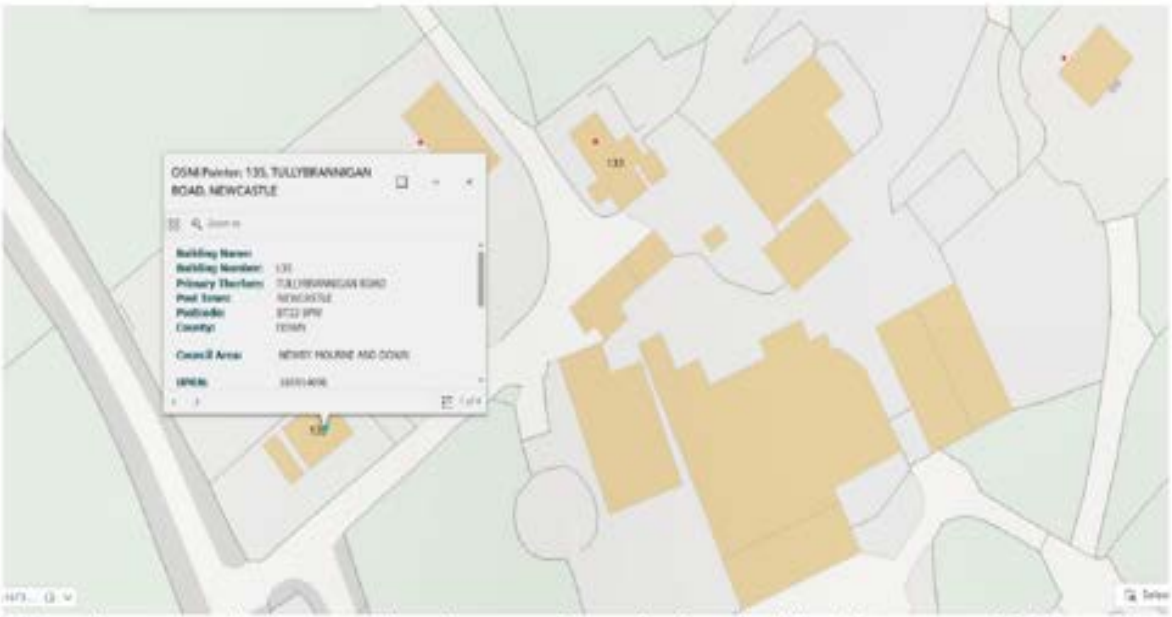
Dwelling nos 145, 143, 139 and 137 and 135 are all taken as having frontage onto Tullybrannigan Road and are in a row, with 5 dwellings contributing to the buildings with a front and associated outbuildings also present, exceeding the minimum requirement of 3 buildings. The average frontage is considered to be 59.6m as per the situation currently on the ground. The building to building separation distance is 97.2m and on this basis a maximum of two dwellings can be accommodated on the site.

LA07/2021/0712/O is considered which was an application on the same site for two dwellings, under this assessment the frontages considered were that of 135, 137 and 139 Tullybrannigan Road. The situation on the ground has been revisited and the curtilage of no 139 takes in a portion of ground to the side of the site that has to be

considered as overall frontage of no 139. The frontage of 139 directly abuts the curtilage of no 143 therefore 143 forms part of the consideration along with no 145 which also sits adjacent. The introduction of the two additional dwellings and the reconsideration of the curtilage of no 139 alters the overall frontages and plot sizes in existence along this portion of the Tullybrannigan Road. It is no longer considered that the gap between no's 137 and 135 Tullybrannigan Road can accommodate anymore than two dwellings and on this basis it is considered that the policy requirements have been fulfilled.

The objections in terms of the size of the site is taken into consideration with the plot size of the site at 0.2ha being questioned as too large. Policy requires the site to respect existing plot sizes in the area of which there are a range from the smallest being 0.1ha (no 135) and the largest being 0.4ha (no 145) therefore a refusal in terms of plot size of 0.2ha could not be sustained.

Clarification on numbering



Given the appeal referenced various numbers for the dwelling known as 135 the address has been checked and the Authority is satisfied the correct address has been referenced.

Consideration of CTY 13 Integration and Design of Buildings in the Countryside

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

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

The site is not located on elevated or prominent grounds and is to the slightly lower side of the road. Taking account of the surrounding landscape, planting and built development it is considered that a dwelling can be accommodated on this site without resulting in it being a prominent feature within the landscape.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
(c) it relies primarily on the use of new landscaping for integration.

The site can make use of existing boundaries to either side of the side including strong elements of planting to the side boundaries that help with integration. There are stone walls to the front of the site and on the shared boundary between the site and no 137 Tullybrannigan Road. Additional planting will be required to the rear of the site to form the rear boundary of the site however the site does not rely on this boundary for screening and integration but it will aid integration and the site can continue to benefit from the existing field boundary to the rear of the site.

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

Taking account of the existing infrastructure in place it is not considered there will be any difficulty in necessary services and ancillary works being provided at the site. The site is roadside therefore will not require the creation of lanes, etc to access the site. All other necessary services can be accommodated at the site without having a negative impact on the surroundings. Should the application be acceptable the acceptability of the overall site layout and design of ancillary structures can be considered.

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

Given this is an outline application full particulars of the design have not been submitted but taking account of the site and the adjacent built development it is considered a single storey dwelling in height and design would be acceptable on this site. Consideration of the full design can be considered during subsequent application stages. It is noted there are a mix of styles and designs in the surrounding immediate area.

Amenity

Amenity is considered and it is noted that there has been objection from no 137 Tullybannigan Road, the objections consider the development of the site to be likely to impact on the privacy of no 137 Tullybrannigan Road. It is noted that there is a large sun room at no 137 that has a view into the site, any development of the site would have to respect the privacy of no 137 neither overlook or over shadow neither no 137 or any of the adjacent dwellings at the site. It is considered that the site could be developed without having an unacceptable impact on the neighbouring properties. This aspect of policy will require further consideration if this outline approval were granted. It is noted that the development of the site will change the aspect of no 139 that does sit in

extremely close proximity to the site and that has direct unobstructed views into the site, the design of the dwelling will have to respect the amenity of no 137.

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

Taking account of the existing landform and topography of the site it is considered that the dwelling can be accommodated on the site without requiring considerable intervention or land works. The front wall will require alteration for the provision of the access and associated sight splays however there will be no considerable loss of planting or hedging requiring removal. It is considered that the site can be developed without offending this aspect of policy.

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

This application does not seek a dwelling under CTY 10 therefore this aspect of policy is not applicable.

Consideration of CTY 14 Rural Character

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:

(a) it is unduly prominent in the landscape.

As covered under CTY 13 the development of the site will not result in undue prominence within the landscape. The site can make use of additional lands to the rear of the site to act as a backdrop and to the site and the lands are not so elevated so as to result in undue prominence.

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

while there are a number of dwellings along the Tullybrannigan road and along the lane that runs off Tullybrannigan Road that serves no 135 Tullybrannigan Road that read along with the site however it is not considered that the development of the site would result in a suburban style build up of development at the site.

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

The pattern of development along this section of the road are primarily generous sized single dwellings on spacious plots, the development of this site would respect the existing character and the design can be given consideration in due course to ensure the dwelling would respect the overall character of development found in the area.

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

As the proposal is considered to meet the requirements of CTY 8 Ribbon Development and is accepted as the infilling of a small enough gap to accommodate up to two dwellings only taking account the plot sizes and frontages and character of the existing area. This aspect of policy is considered to have been adhered to.

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

As covered previously within the report the ancillary works are not considered to be likely to impact negatively on the rural character of the area. The majority of necessary services can be obtained at the site without the likelihood of a negative impact on the rural character.

Consideration Of PPS 2 Natural Heritage

The provisions of NH 2 and NH 5 are considered, it is noted that the ground is in agricultural use at present and maintained. There are no features within the site that require removal or that will be negatively impacted upon as a result of the development in terms of natural heritage. As the site is within the Mourne Area of Outstanding Natural Beauty a Bio Diversity Checklist was submitted and does not consider that any further studies will be required, the development of the site will not have a negative impact on protected habitats or protected species and no conditions or further recommendations have been made or are considered required in this respect. The bio diversity checklist was completed by an ecologist.

The site is within the Mourne Area of Outstanding Natural Beauty therefore NH6 of PPS 2 is applicable. NH6 Areas of Outstanding Natural Beauty states that 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 ands all the following criteria are met:

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

Taking account of the surrounding pattern of development the development of the site would be considered in keeping with the existing pattern of development within the surrounding area. The development of the site will not have any detrimental impacts on the overall character and appearance of the area.

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

This is an outline permission however it is not anticipated that the development of the site will have any detrimental impacts on the overall character or appearance of the area, a dwelling could be absorbed into the overall area at this location. It is noted that the site is not constrained by any heritage aspects. The site is an agricultural field that is grazed.

c) the proposal respects:

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

Again as this is an outline application the design has not been presented however it would be expected that the design of the dwelling would take into consideration the siting within the AoNB and would be finished in materials that respect the surrounding buildings and that won't detract from the area. The objections in relation to the impact on the Mourne AoNB have been taken into consideration however on the basis of the above assessment it is not considered that a refusal could be sustained.

Consideration of PPS 16 TSM 8 Safeguarding of Tourism Assets

TSM 8 states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. 7.39 of the justification and amplification states that for the purposes of this statement a tourism asset is defined as any feature associated with the built or natural environment which is of intrinsic interest to tourists and the Mourne Area of Outstanding Natural Beauty would fall within this definition. It is not considered that the development of this site would impact on the character of the AoNB and also noting that the development is not considered to fail the policy requirements of CTY 13 of PPS 21. This aspect of policy has not been offended.

Consideration Of PPS 3 Access, Movement and Parking

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

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

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

DFI Roads have been consulted and consider the application to be acceptable subject to conditions. The Tullybrannigan Road is not a protected route therefore consideration of AMP 3 as set out in the annex of PPS 21 does not require further consideration. This aspect of policy has not been offended. The comments from the objector have been taken into consideration however the traffic generation from 1 additional dwelling cannot be considered substantial enough a generation of traffic so as to be considered unacceptable, it is anticipated that the road network can absorb the additional traffic one unit would generate.

Consideration of Objection

The objection has been taken into consideration throughout the report and detailed within the report. The impact on all neighbouring dwellings has been given consideration as part of the assessment of this application.

Neighbour Notification Checked Yes

Summary of Recommendation
Based on the above assessment a recommendation of approval is made subject to conditions outlined below.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters'), shall be obtained from the Council, in writing, before any development has commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. Access, sight visibility splays and forward sight distance (where applicable) are a pre-commencement condition.

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

4. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

5. The dwelling shall have be single storey in design and have a ridge height not exceeding 5.5 metres from finished floor level and designed with a gable roof.

Reason: In the interest of visual amenity.

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.4 metres at any point

Reason: In the interest of visual amenity.

7. The roofing shall be slates or flat non profiles tiles and shall be blue/black or dark grey in colour

.

Reason: To ensure that the proposal is in keeping with the character of this Area of Outstanding Natural Beauty.

8. The external wall finish to the proposed dwelling shall be a painted smooth render in a colour to be approved in writing by the Council.

Reason: To ensure that the proposal is in keeping with the character of this Area of Outstanding Natural Beauty.

9. A landscaping plan shall be submitted as part of the reserved matters application to include details of all boundaries. The planting plan as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.

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

10. No development shall take place until details of gates, fences, walls or any other proposed structures in addition to the proposed dwelling have been submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the locality

Case Officer Signature: Fionnuala Murray

Date: 09.01.2026

Appointed Officer Signature: B.Ferguson

Date: 09/01/2026

I wish to speak against planning application LAO7/2024/0462/0 on the following points.

- The client's previous application for 2 houses and accompanying garages on this large infill site which was rejected - the vote from 12 councillors being 11 to reject and 1 abstention.
- The acreage of this proposed site.
- Location
- Planning Permission Expert's Access Statement
- Planning policy and Material consideration
- Ribbon Development
- Area if Outstanding Natural Beauty
- Road Safety
- Health and Safety
- Quality of Life

PLANNING PERMISSION EXPERTS

LA07/2024/0462/O– Speaking Rights – Tullybranngian Road – Infill Dwelling

Thank you, members, for the opportunity to present this application.

This is an outline application for an infill dwelling and garage on lands adjacent to and south-east of 137 Tullybrannigan Road. The application has been recommended for approval by the Planning Department, having concluded that the proposal satisfies the relevant requirements of Policies CTY8, CTY13 and CTY14 of PPS21, together with the applicable provisions of PPS2 and PPS3.

Some members may be aware of this site, as it was previously considered at the committee in 2021. The 2021 application was submitted on the same site, for two dwellings. However, the applicant at the time relied on unauthorised development at 137 Tullybrannigan Road to justify the principle of development. The current application has since been revised, so that only one dwelling is proposed on the site and more importantly, we are no longer relying on the unauthorised development at 137 Tullybrannigan Road to justify the principle of development.

The Planning Department have accepted that the site falls within a substantial and continuously built-up frontage, which is considered to comprise of:

- 135 Tullybrannigan Road;
- The Gap Site;
- 137 Tullybrannigan Road;
- 139 Tullybrannigan Road;
- 143 Tullybrannigan Road; and
- 145 Tullybrannigan Road.

Officers have noted that the situation on the ground has changed, given that the curtilage of 139 Tullybrannigan Road extends to approximately 108m across the Tullybrannigan Road. Given this, the officer has correctly considered nos. 143 and 145 Tullybrannigan Road as contributing to the overall frontage. As a result, Officers have concluded that the average frontage width along the frontage equate to 59.6m. As such, the building-to-building measurement of 97.2m can accommodate a maximum of two dwellings, while respecting the development pattern along the frontage.

The proposed site area, approximately 0.2 hectares, has also been considered within the report. Surrounding plot sizes vary from approximately 0.1 hectares to 0.4 hectares, and the Officer concluded that the application site is comparable in scale and does not represent overdevelopment or an erosion of the established pattern along the frontage.

Taken together, these findings confirm that the site represents a small gap within an otherwise substantial and continuously built-up frontage. The proposal respects the existing development pattern in terms of siting, scale and plot proportions and therefore aligns with the overall thrust and intention of Policy CTY8.

32a Bryansford Avenue Northern Ireland T: 028 9560 9927
Newcastle, County Down BT33 0LG E: info@planning-experts.com
www.planning-experts.com

The Planning Department has also assessed the proposal under Policies CTY13 and CTY14, as well as PPS2 Natural Heritage given the site's location within the AONB. The report concludes that a dwelling can be accommodated without unacceptable impact on rural character or landscape quality, subject to appropriate conditions.

In relation to the matters raised by the objectors letter, these issues have been fully considered within the Case Officer's report and assessed against the relevant planning policies.

The concerns raised regarding the size of the site, whether the gap represents infill, and the potential for ribbon development were considered in detail by the Planning Department. For the reasons previously discussed, The Case Officer concluded that the proposal falls within a SCBUF, and that it respects the established development pattern along the frontage.As such, the development fully complies with Policy CTY8 of PPS21.

Concerns relating to the impact on the Area of Outstanding Natural Beauty were also assessed under PPS2 Natural Heritage. The Planning Department concluded that a dwelling could be accommodated on the site without unacceptable impact on landscape character, subject to conditions controlling height, scale, materials and landscaping, which have been included within the recommendation.

With regard to road safety matters, DfI Roads, the competent statutory authority, was consulted and confirmed that the proposal is acceptable subject to conditions. Similarly, NI Water and Environmental Health have raised no objections to the development.

Issues relating to privacy and residential amenity have also been considered. As this is an outline application, detailed siting and design will be addressed at Reserved Matters stage. The Case Officer has confirmed that the site can be developed without unacceptable impact on neighbouring properties.

Overall, the matters raised by the objector do not introduce any new material planning considerations that would outweigh the professional planning assessment, which has found the proposal policy compliant.

We therefore respectfully request that the Planning Committee accept the Case Officer recommendation and approve the application, having regard to the professional planning opinon form the case officer. Since the initial application in 2021, there has been a change in circumstances on the ground, whereby Officers concluded the curtilage of 139 Tullybannigan Road extends to approx. 108m. As such, Officers have concluded that the proposed development respects the development found within the SCBUF. Therefore, the proposal is fully compliant with Policy CTY8, and therefore represents an acceptable infill opportunity within a substantial and continuously built-up frontage, and can be accommodated without unacceptable impact on rural character, residential amenity or road safety.

Committee Application

Development Management Officer Report	
Case Officer: Matthew Hunniford	
Application ID: LA07/2025/0431/F	**Target Date:**
Proposal: PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AND RETENTION OF GARDEN ROOM. (amended)	**Location:** 24 Gantry Lane, Newry, BT35 6FX
Applicant Name and Address: Derek & Laura Maguire 24 Gantry Lane Newry BT35 6FX	**Agent Name and Address:** Paul McAleer 3 Bannview Road Banbridge BT32 3RL
Date of last Neighbour Notification:	1 July 2025
Date of Press Advertisement:	26 November 2025
EIA Determination: N/A	

Consultations:

- HED - (Historic Monuments) has assessed the application and on the basis of the information provided and due to the results of previous archaeological monitoring, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- Industrial Pollution & Radiochemical Inspectorate - Although the proposed developed is within the 5km radius of a regulated IPRI site, IPRI don't have any concerns to raise. The site operates in compliance and no issues have been identified that would be impacted by the proposal.

Representations:

8 neighbours within close proximity of the site were notified on 17/06/2025 and 11/11/2025. This application was advertised in the local press on 14/05/2025, 24/09/2025 and last readvertised on 26/11/2025. The application has received 8 objections from 6 objectors and 10 letters of support from 9 individuals to date.

Objections Received.

Full detail on the representations received can be found on the public portal, the following represents a summary of the main planning related issues raised

- Overlooking/loss or privacy
- Loss of light to property/garden amenity

- Scale, size and height
- Undermines the existing character of the development
- Proximity to neighbouring boundary
- Loss of outlook
- Overdevelopment of the site
- Garden room use

Should the planning department be minded to approve the application, I would ask that conditions be imposed to limit the impact on neighbouring properties, such as restrictions on overlooking windows, working hours during construction, and ensuring that any new development is in keeping with the scale and design of nearby dwellings.
All objections and representations will be considered throughout the assessment and addressed accordingly at the end of this report.

The reasons for support are summarised as follows;

- Modest plans
- No impact on light/overshadowing
- No impact on privacy/overlooking
- Reduce waiting times for places
- Improve amenity for previous industrial use.

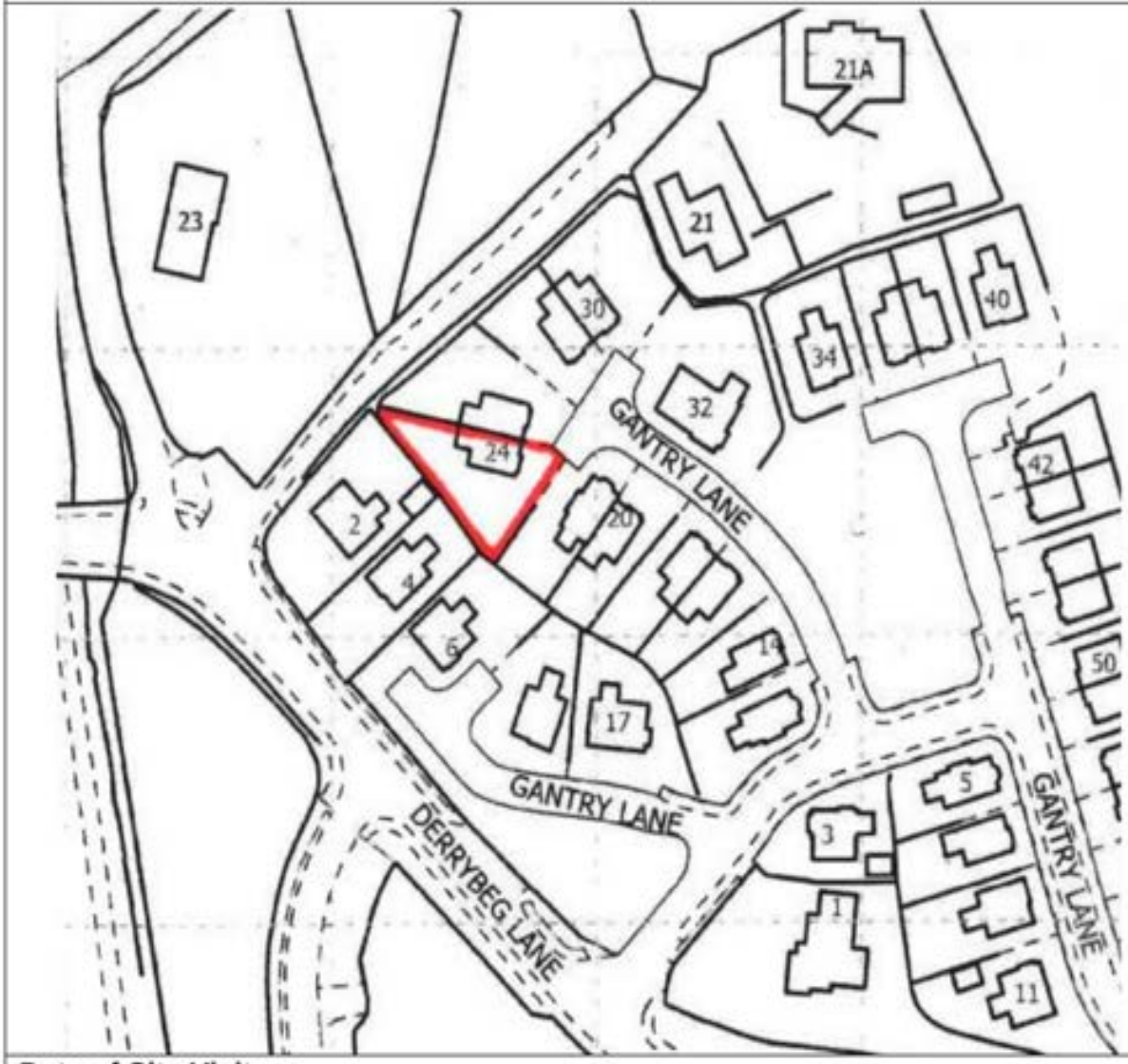
Objections/representations are considered in the main body of the Case Officer's Report below.

Letters of Support	10
Letters of Objection	8
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	The application has received 8 objections from 6 objectors and 10 letters of support from 9 individuals to date.

Summary of Issues:

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site (No.24) is located within Gantry Lane, a residential development on which sits a two-storey semidetached property with a front, side and rear garden/amenity space. To the side garden a garden room has been erected. To the front of the property is an associated garden amenity space with paving to the side elevation which extends to a paved area to the rear of the dwelling. Surrounding properties are similar in their size, scale and layout. The property is finished in black concrete roof tiles, black PVC windows and doors with a mixture of smooth render finish and red brick to exterior walls.

The application site is located within the settlement limits of Newry, as defined within the Banbridge / Newry and Mourn Area Plan 2015.

Description of Proposal
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AND RETENTION OF GARDEN ROOM. (amended)

Planning Assessment of Policy and Other Material Considerations

Planning Policies and Material Considerations:

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations)
- PPS 6 - Planning, Archaeology and The Built Heritage

Consultations:

- HED - (Historic Monuments) has assessed the application and on the basis of the information provided and due to the results of previous archaeological monitoring, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- Industrial Pollution & Radiochemical Inspectorate - Although the proposed developed is within the 5km radius of a regulated IPRI site, IPRI don't have any concerns to raise. The site operates in compliance and no issues have been identified that would be impacted by the proposal.

Planning History

Planning
Application Number: LA07/2018/0364/PAD
Decision:
Decision Date:
Proposal: Proposed residential development comprising c.80 no. dwelling units and garages (including a mix of detached and semi-detached housetypes), site access from Derrybeg Lane, landscaping and all associated site works.

Application Number: P/2006/1676/O
Decision: Permission Granted
Decision Date: 04 March 2009
Proposal: Site for residential development (with demolition and discontinuance of existing re-cycling business)

Application Number: P/2014/0419/O
Decision: Permission Granted

Decision Date: 08 October 2015
Proposal: Site for 2 dwellings

Application Number: LA07/2018/0345/PAN
Decision: PAN Concluded
Decision Date: 30 March 2018
Proposal: Proposed residential development comprising c. 80 no. dwelling units and garages (including a mix of detached and semi-detached housetypes), site access from Derrybeg Lane, landscaping and all associated site works.

Application Number: LA07/2018/1529/F
Decision: Permission Granted
Decision Date: 30 June 2020
Proposal: Proposed residential development comprising 74 no. dwelling units and garages (including a mix of detached and semi-detached house types), site access from Derrybeg Lane, open space, landscaping and all associated site works. (Amended description)

Application Number: LA07/2020/1149/DC
Decision: Approval Decision Date: 18 September 2020
Proposal: Discharge of condition 11 as outlined in application LA07/2018/1529/F.

Application Number: LA07/2020/0915/DC
Decision: Approval Decision Date: 22 October 2020
Proposal: Discharge of Condition 25 of planning reference LA07/2018/1529/F which reads as:25. Prior to commencement of any development an updated noise report shall be submitted to the Planning Authority to be agreed in writing to the satisfaction of Environmental Health. Reason: In the interest of amenity of proposed occupants.

Application Number: LA07/2021/1581/DC
Decision: Approval
Decision Date: 25 March 2022
Proposal: Discharge of condition 16 of planning Ref:LA07/2018/1529/F - Housing Development at the junction of Derrybeg Lane, Newry

Application Number: LA07/2021/1582/DC
Decision: Approval
Decision Date: 25 March 2022
Proposal: Discharge of Condition no. 15 (traffic Management Proposals)

Application Number: LA07/2021/1585/DC
Decision: Approval Decision Date: 25 March 2022
Proposal: Discharge of Condition 9 of planning Ref: LA07/2018/1529/F

Objections and Representations:

8 neighbours within close proximity of the site were notified on 17/06/2025 and 11/11/2025. This application was advertised in the local press on 14/05/2025, 24/09/2025 and last readvertised on 26/11/2025. The application has received 8 objections from 6 objectors and 10 letters of support from 9 individuals to date.

Consideration and Assessment:

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site with the settlement limits of Newry, as designated in the Banbridge / Newry and Mourne Area Plan. There are no specific policies in the Plan relating to the application site or the proposal for an extension to a dwelling therefore, this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

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. This policy will be given substantial weight in determining the principle of the proposal in accordance with para 1.10 of the SPPS.

PPS7 (Addendum) EXT 1: Residential Extensions and Alterations

The policy context is provided by the first Addendum to Planning Policy Statement – Quality Residential Environments (PPS7), entitled 'Residential Extensions and Alterations' (The Addendum). Policy EXT 1 of the Addendum to PPS7 is applicable for all residential extensions. Policy states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met.



Figure 1. Proposed elevations.

Policy Ext 1 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

a) *The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;*

The proposal seeks planning permission for a 2-storey rear and side extension, alterations to existing dwelling and retention of a garden room. The scale and massing of the proposal is considered acceptable. The extension clearly reads as subordinate, integrating with the built form and appearance of the existing property and does not result in overdevelopment of the site in terms of massing and plot size. Paragraph A15 of PPS7 (Addendum) states an extension to the rear of a property should ensure that the roof of the extension does not project above the ridge of the existing dwelling as this can give an unsightly view along the streetscape. In this regard the proposed extension is set below the ridge height of the exist dwelling and level with the side extension. The proposed rear/side extension includes a ground floor kitchen/dining/living area, boot room and utility. The first floor extension includes a master bedroom with ensuite and an additional bedroom which introduces a new additional window to the front elevation. Proposed materials include concrete roof tiles (black), uPVC rainwater goods (black), uPVC windows/doors (black) and selected brickwork with smooth render to match

existing rendered elements to main dwelling. The design of the proposal is also considered appropriate for the existing house and design elements observed in the specific locality with a mixture brick and render featuring on the existing property and neighbouring dwellings.

The application also seeks for the retention of a garden room to side garden amenity space of the application site. The garden room has a width of 6.1m, breadth of 3.6m and a height of 2.6m. The garden room has a canopy over the decking area to the front. The scale and massing of the proposal (single storey) is considered acceptable and is appropriate for the size of the application site. It appears as a modern design, which does not detract from the character and appearance of the host property or its surroundings due to its size, proportions and finishes. The garden room also includes a decking which extends out from the front of the garden room and to one of the side elevations. The Garden room and decking are largely made from composite grey cladding and decking material. The design of the garden room is considered appropriate and does not detract from the character of the existing dwelling or the locality. Officers are content that there is no conflict with criterion (a).

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

The privacy and amenity of the neighbouring properties have been assessed in relation to the proposed extension and retention of garden room. In relation to the neighbouring attached semi-detached property, no.26 Gantry Lane, Case Officers have assessed plans in terms dominance, privacy/overlooking and overshadowing/loss of light. In terms of dominance Case officers are content in the context of existing development that the proposed rear extension would not pose an unacceptable effect in terms of dominance in relation to no.26. Likewise in relation to overshadowing Case Officers are content that the proposed extension does not unduly impact on any neighbouring windows to no.26 and is within guidance shown in Figure 1 of Add. PPS7 in relation to any windows apart from halls, landings, bathrooms and utility rooms. Case Officers are content that there is no conceivable negative impact on no.22 in relation to privacy or overlooking. Case Officers have also noted that no.26 demonstrated support of the proposed development by way of a comment of support.

In relation to neighbouring dwelling no.22 Gantry Lane, Case Officers have assessed for issues in relation to potential impacts on privacy and amenity. With regard to the side extension and introduction of windows to the front elevation to both the first and ground floors Case Officers have assessed the potential for a loss of privacy and overlooking.

Given the separation distance of approximately 14.5m from the front elevation of the proposed extension to the nearest portion of the dwelling of no.22 and that the extension is set back significantly from the front of the main dwelling, Case Officers are content that loss of privacy and overlooking have been minimised. Given the orientation of the extension, it is not anticipated that the proposed first floor window would likely pose any unduly negative overlooking onto rear amenity space. Likewise given the separation distances it is not anticipated that the proposal would impact on loss of light/overshadowing. The proposed extension whilst 2 storey does not result in an extension that is dominant or would significantly impinge upon the amenity of no.22.

In relation to neighbouring dwelling no.2 Gantry Lane, Case Officers have assessed for issues in relation to potential impacts on privacy and amenity. With regard to the side extension and introduction of windows to the front elevation to both the first and ground floors Case Officers have no concerns. In relation to the rear extension, given the orientation of the of the proposed extension and the rear bedroom window to the first floor, Case Officers are content that most private area of the garden of no.2 i.e. the first 3-4m of the rear garden closest to no.2 is not significantly overlooked. The site level over no.2 is also significantly higher than that of the rear neighbour. The application site is to the north and slightly east of Nos 2,4 & 6 and would not result in any overshadowing of these properties. Given the differing levels, it is not considered that overshadowing would be an issue.

In relation to neighbouring dwellings no.4 and 6 Gantry Lane, Case Officers have assessed for issues in relation to potential impacts on privacy and amenity. With regard to the side extension and introduction of a window and door to side elevation to the ground floor Case Officers have no concerns with regard to overlooking given the differing site levels with both dwellings nos. 4 and 6 sited on a significantly more elevated level. The objectors properties are to the south of the application site and therefore we do not consider overshadowing to be a concern.

In relation to the existing garden room on site, Case Officers are content that given the modest size, scale and height of the building that there is no unduly negative impact from the garden room in relation to any neighbouring property. Should Case Officers be minded to approve the application a condition can be applied to ensure the garden room is for domestic purposes ancillary to the main dwelling. Officers are content that there is no conflict with criterion (b).

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

In respect of criteria (c) Officers are content that there are no landscape features on the application site that will impact upon environmental quality as a result of this proposal. Any vegetation to be removed to accommodate the extension does not contribute significantly to local environmental quality and therefore their removal is not a concern. Officers are therefore content that there is no conflict with criterion (c).

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

On completion of the proposed development sufficient space will remain within the curtilage of the dwelling for recreational and domestic purposes. An area of recreational space will be lost to the rear and side of the dwelling, but ample space would remain in the curtilage for recreational purposes. There is no loss in space required for parking and manoeuvrability as a result of this proposal. Officers are satisfied that the proposed development complies with criterion (d).

The proposal is considered to comply with all aspects of Policy EXT 1.

Neighbour Notification Checked	Yes/~~No~~
Summary of Recommendation	Approval

Conditions:

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

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

2. The garden room hereby permitted shall not be occupied or used at any time other than for the purpose's ancillary to the residential use of the dwelling known as 24 Gantry Lane, Newry.

   Reason: To prevent the creation of additional dwelling units or use for purposes other than those of domestic purposes ancillary to the residential dwelling.

Informatives:

1. The applicant is advised to refer to the informative advice provided by consultees in their responses which are available to view at https://planningregister.planningsystemni.gov.uk/simple-search. The applicant is also advised that this permission does not confer title. Please ensure that you control all the lands necessary to carry out the proposed development.
Case Officer Signature: Matthew Hunniford **Date:** 15/01/2026
Appointed Officer Signature: Annamarie Loughan **Date:23/01/2026**

Application

Development Management Officer Report	
Case Officer: Patricia Manley	
Application ID: LA07/2024/0639/F	**Target Date:**
Proposal: Proposed development of a 'Recreational Hub' to provide facilities for both water and non-water based activities at Camlough Lake. Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway and floating pontoon, kayak storage, picnic areas, vehicular turning and separate bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance of cars and buses, exit lane for cars and associated visibility splays. Separate bus exit point provided onto the Newtown Road to the northwest of the site. Vehicular access track and separate pedestrian pathways provided from the Newtown Road to the 'Hub' facility. Proposal includes landscaping scheme, boundary fencing, drainage system and all associated site works.	**Location:** Lands to the east of Camlough Lake, Newtown Road, Camlough, BT35 7JJ
Applicant Name and Address: NMDDC - Newry Office Monaghan Row Newry	**Agent Name and Address:** Sarah McDowell Pearl Assurance House 1 Donegall Square East Belfast BT1 5HB
Date of last Neighbour Notification:	27 June 2024
Date of Press Advertisement:	26 June 2024
ES Requested: No	
Consultations: **Rivers Agency (09.01.26)** **FLD 1 - Development in Fluvial and Coastal Flood Plains**	

Flood Maps (NI) indicates development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Rivers acknowledge the site has been deemed an exception by the Planning Department. Rivers acknowledge the Flood Risk Assessment submitted by Design ID, dated December 2022, and comments as follows;

Rivers, while not being responsible for the preparation of this Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.

FLD 2 - Protection of Flood Defence and Drainage Infrastructure

Two designated watercourses Camlough Minor and Camlough Minor (Feeder No. 2) bound the site. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained, but up to 10m where necessary.

FLD 3 - Development and Surface Water

Rivers Directorate has reviewed the Drainage Assessment dated December 2022 which indicates that flood risk to and from a portion of the development will be managed using a SuDS. Rivers Directorate advise that commenting on the efficacy of the proposed SuDS is outside their area of expertise and consequently cannot advise that flood risk to and from the development has been satisfactorily addressed or that the proposal is acceptable as required under policy.

FLD 4 - Artificial Modification of Watercourses

Schedule 6 Consent for the works has been granted 8/10/2024 to amend (extend the culvert and widen the bridge) the bridging over the watercourse known as the Camlough Feeder Number 2.

FLD 5 - Development in Proximity to Reservoirs

Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective.

Flood Risk in the Climate Change Scenario

Rivers Directorate advises that based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps indicate that the site does not lie within the 1 in 100 year climate change fluvial flood plain or the 1 in 200 year climate change coastal flood plain.

NIEA (24.11.25)

Water Management Unit (WMU):

The impacts of the proposal on the surface water environment have been assessed and on the basis of the information provided is content with the proposal strictly subject to:
- The proposal complying with PPS 15 Policy FLD 4.
- Conditions (CEMP).
- The applicant referring and adhering to DAERA standing advice.
- Any relevant statutory permissions being obtained.

Natural Environment Division (NED)

The application site is within and adjacent to a nationally designated site, Cam Lough ASSI.

In accordance with part IV of the Environment (Northern Ireland) Order 2002 (as amended), the public body must assess how these works, either alone or in-combination could adversely affect a site of National Importance. A development proposal may only be permitted where the associated public benefits clearly outweigh the value of the site, where the planning authority determines this is the case, they must notify NIEA and impose conditions sufficient to minimise the damage and restore the site.

NED has concerns with this proposal and considers that in the absence of further information the proposal is contrary to PPS 2 and the SPPS in that the development would be likely to have a significant effect on Cam Lough ASSI and insufficient information has been submitted to establish otherwise.

NED require further information before a full assessment of the proposal can be completed:
- A revised oCEMP to include:
    - further detail on how any intended works would be appropriately mitigated to protect the ASSI, on the creation of the slipway and pontoon and the installation of the culvert.
    - A map identifying the contractor's compound and mitigation measures to prevent dirty/sediment laden water entering Cam Lough ASSI from the development site.
- A revised drainage map to identify the unannotated box within the drainage plan.
- Details of macrophytes within the red line boundary.

***NED reconsulted 26.01.26 with agent letter, revised drainage map and revised oCEMP.*

Regulation Unit (RU) (23.08.24) - No objection to the proposed development subject to conditions and informatives.

Loughs Agency (10.11.25)

No objection in principle to the proposed development. The applicant should demonstrate best environmental practice when working close to watercourses.

Dfl Roads (23.10.25)

No objection.

Historic Environment Division (HED) (01.08.24) - Content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Shared Environment Service (SES) (09.07.24)

SES notes Newry, Mourne and Down District Council is the applicant for the proposed development. As the competent authority for this proposal, the Council must itself undertake as much of the assessment process as required under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

NMDDC Environmental Health (02.07.24) - No objection subject to conditions.

NI Water (26.06.24) - Approved with standard planning conditions and response specific conditions.

NIE (21.06.24) - No objection

Representations: No representations

Site Visit Report

Site Location Plan:





Date of Site Visit: 04.07.24

1.0 Characteristics of the Site and Area

The application site is located in a rural locality approximately 1.4km south-west of Camlough and within the Ring of Gullion Area of Outstanding Natural Beauty. The area is primarily rural in character, with a mix of agricultural lands, with the backdrop to Camlough Mountain to the east. There are several detached dwellings within the locality of the site, along Newtown Road. In addition, a tourist facility (glamping site) has recently been constructed on lands opposite the site.

The site boundary encompasses an agricultural access and laneway off Newtown Road, a tarmacked area off Newtown Road for parking, agricultural lands and lands directly adjacent to Camlough Lake, including the existing footway. The landform falls from east to west towards Camlough Lake with some pockets of relatively flat areas. Some raised outcrops and ridges give the site an undulating topography.

2.0 Description of Proposal

Proposed development of a 'Recreational Hub' to provide facilities for both water and non-water based activities at Camlough Lake. Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway and floating pontoon, kayak storage, picnic areas, vehicular turning and separate bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance of cars and buses, exit lane for cars and associated visibility splays. Separate bus exit point provided onto the Newtown Road to the northwest of the site. Vehicular access track and separate pedestrian pathways provided from the Newtown Road to the 'Hub' facility. Proposal includes landscaping scheme, boundary fencing, drainage system and all associated site works.

3.0 Planning History

LA07/2023/3564/PAN - Proposed development of a recreational hub to provide facilities for both water and non-water based activities at Camlough Lake. Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway, kayak storage, picnic areas, vehicular turning and bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance and exit lanes and associated visibility splays. New pedestrian access linked to the existing lake footway. Proposal of Application Notice is Acceptable 20 February 2024

LA07/2023/2309/DETEIA: Proposed development of a single storey multi-use recreational hub to provide facilities for both water and non-water-based activities. Proposed building includes events space, meeting room, kitchen area, internal changing rooms/ showers and toilets and storage. Outdoor area includes external showers and changing facilities, jetty, kayak storage, roofed event space with links to internal event space, outdoor seating and picnic areas, pedestrian path linking the building to Camlough Lake, and the Newtown Road pedestrian footways, low level lighting and landscaping. Internal road configuration to include access road with passing bays to the hub, turning area for service vehicles and trailers and car parking. Upgrading and widening of existing vehicular access onto Newtown Road for the provision of entrance and exit lanes and associated visibility splays. Works to include underground drainage with sewage treatment system, all necessary ground and site works. Environmental Statement Not Required 06.11.2023

LA07/2023/2306/PAD: Proposed development of a single storey multi-use recreational hub to provide facilities for both water and non-water-based activities. Proposed building includes events space, meeting room, kitchen area, internal changing rooms/ showers and toilets and storage. Outdoor area includes external showers and changing facilities, jetty, kayak storage, roofed event space with links to internal event space, outdoor seating and picnic areas, pedestrian path linking the building to Camlough Lake, and the Newtown Road pedestrian footways, low level lighting and landscaping. Internal road configuration to include access road with passing bays to the hub, turning area for service vehicles and trailers and car parking. Upgrading and widening of existing vehicular access onto Newtown Road for the provision of entrance and exit lanes and associated visibility splays. Works to include underground drainage with sewage treatment system, all necessary ground and site works. PAD Concluded 04.03.2024

LA07/2017/1882/PAD: Proposed recreational events hub building, jetty, ponton, access road, camping and play area, informal paths, nature trail, parking and associated works. Withdrawn 15.06.2022

LA07/2016/0743/DC: Discharge of Condition No. 2 of LA07/2015/1248/F. Condition Discharged 06.07.2016

LA07/2015/1248/F: Refurbishment of existing dam and associated ancillary works. Permission Granted 19.05.2016

P/1987/0879: Car Park, Public Toilets and Amenity Area. Permission Granted 16.09.1989

Relevant Surrounding Records

LA07/2020/1013/F: Erection of glamping site comprising: camping pods, tepees, tent pitches, communal toilet and shower building, communal 'camper's hub' building with tea room/cafe, landscaping, parking and associated ancillary works. Permission Granted 03.02.2022

4.0 PAN and Legislative Requirements

As this application is categorised as 'major,' owing to the site area, it has been preceded by a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (NI) 2011 (reference LA07/2023/3564/PAN.) The PAN which was submitted on 01.11.23 was considered acceptable to legislative requirements on 20.02.24. The current application was subsequently submitted following the required 12-week application notice period, with the application received on 03.05.24.

The application has been accompanied with a Pre-Application Public Consultation Report (Resolve Planning, May 2024) which confirms that community consultation has taken place in line with the statutory minimum requirements. The PACC report is also material to this assessment, as considered further below.

5.0 Environmental Impact Assessment (The Planning EIA Regs. (NI) 2017 and DCAN 10)

The proposal falls within Schedule 2 Categories 10 (b) and 13 (a) of the above Regulations. An EIA screening has been completed for the full planning application as submitted, which notably contains updated details and reports. In considering the details submitted, it was determined on 24.06.24 that an Environmental Statement is not required.

6.0 Planning Assessment of Policy and Other Material Considerations

The following planning policies and material considerations have been taken into account in the assessment of this planning application.

- The Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS), Edition 2
- Banbridge, Newry Mourne and Down Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural NI (PSRNI)

- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning Archaeology and the Built Heritage
- PPS8 – Open Space, Sport and Recreation
- PPS13 – Transportation and Land Use
- PPS15 (Revised) – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards

7.0 Proposal Summary

The proposal relates to a new recreational hub to provide facilities for both water and non-water-based activities at Camlough Lake. The overall facility includes a new hub building, car parking and associated outdoor landscaped areas. It is expected that the flexible and multi-use cultural and sporting facility for the community and district will also attract visitors to the area. A CGI image of the proposal is included below., with key elements to the proposal outlined further below.



The 'Hub' building

- Block 1 (240.8 m2): General storage and kayak/canoe/water sports equipment storage
- Block 2 (76.9 m2): Kiosk and store
- Block 3 (112.2 m2): Changing block, outdoor shower and externally accessible WC

- Block 4 (194.7 m2): Events/exhibition space, meeting room, small kitchen (non-commercial, re-heat kitchen, outdoor covered area, store, barbeque, fire area

Car parking and access

- The car parking area is located behind the hub building and provides a total of 69 no. car parking spaces, including 7 no. disabled parking bays and 4 no. coach parking spaces. 10 no. cycle stands are provided adjacent to the 'Hub' building, to encourage cycling to and from the site.
- The proposed development will be accessed via the existing car parking and lake access off Newtown Road which will subsequently tie into the existing track to the development site.
- The scheme includes improvements to the existing junction layout through localised widening to allow for easier and more efficient vehicle movements and improvement of pedestrian crossing facilities.
- A 2m wide resin bonded gravel accessible pedestrian pathway (260m long) leading from the Newtown Road to the 'Hub' building. This is separate from the vehicular route.

External areas, landscaping, lighting and additional external features

- Significant soft and hard landscaping throughout the scheme.
- An amenity grass area to the front of the 'Hub' and immediately in front of the event space.
- The scheme offers significant shrub planting and species rich hedgerow planting.

- Bench seating (5 no.) is proposed along the accessible pedestrian pathways to the 'Hub'.
- 3 no. picnic benches on proposed amenity grass area to the front of the 'Hub' facing the lake.
- 6 no. litter bins along the pedestrian path and around the external circulation area.
- Low level lighting (11 no. posts) are provided within the lower bus park and towards the accessible pedestrian pathway.
- 0.97m high low level bollard lighting continues towards along the accessible pedestrian pathway and along the vehicular access towards the 'Hub'.
- Security lighting (4m high) is located within the car parking area and 2.4m high wall mounted lights surround the 'Hub' building.
- 2 no. electric vehicle charging points are provided in the car parking area.
- CCTV surrounds the 'Hub' building for security.
- Bin storage (28m2) is proposed adjacent to the building on the western elevation. This has capacity for 8no. x 1100 litre Eurobins and is enclosed by 2.4m high timber enclosure.

The facility overall is proposed to provide enhanced facilities for existing users and attract further visitors to the site, due to the increased range of facilities. A timetable of

use is included within the submitted Transport Assessment Form. This is not expected to change, with the proposed operating hours as Monday – Sunday: 6am – 10pm.

8.0 Regional Development Strategy for Northern Ireland (RDS 2035) and the SPPS for Northern Ireland (SPPS 2nd Edition)

The proposal relates to both recreational and tourism development. The RDS 2035 recognises that open space, sport and outdoor recreation supports many cultural, social, economic, health and environmental benefits. Regional objectives for open space, sport and outdoor recreation within the SPPS include the facilitation of appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents, ensuring that high standards of siting design and landscaping are achieved and ensuring that proposals are in keeping with the principles of environmental conservation and helping to sustain and enhance biodiversity.

In terms of tourism, the RDS 2035 recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and Policy RG4 seeks to promote a sustainable approach to the provision of tourism infrastructure. The SPPS seeks to manage the provision of sustainable and high-quality tourism development in appropriate locations within the built and natural environment.

The proposal in principle, is aligned with these regional objections of the RDS and the SPPS.

9.0 Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

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 located within the countryside and within an Area of Outstanding Natural Beauty (AONB), as identified in BNMAP 2015. In addition, Camlough Lake is in itself an ASSI whilst in the wider site context, Camlough Mountain to the east / south-east is a designated SLNCI (Ref NC 03/054.).

There are no specific policies within the Area Plan (BNMAP 2015) specifically relevant to the determination of this application, directing the decision-maker to the operational policies of the SPPS and the retained Policy of PPS21, in addition to the relevant policy and considerations set out below.

The primary considerations in this assessment relate to:

- the principle of recreational and tourism development in this locality;
- the potential impact on: rural character (including AONB), residential amenity, designated and protected sites (including Cam Lough ASSI, SLNCI), natural heritage / biodiversity, open space;
- impact on the aquatic environment;

- flooding and drainage risks;
- water infrastructure; and
- road safety considerations, as assessed below.

10.0 SPPS (2nd Edition), PPS21 (Policy CTY1) and PPS8 (Policies OS1, OS3, OS5, OS6)

As noted, the proposal relates to both recreational and tourism development. Under Policy CTY1 of PPS21, planning permission will be granted for outdoor sport and recreational uses in accordance with PPS8 and tourism development in accordance with PPS16 (the TOU policies of PSRNI now superseded.)

'Open space,' for the purposes of PPS8 assessment is defined as *"all open space of public value."* This includes not just outdoor sports facilities, parks and gardens, amenity green space and children's play areas, but also natural and semi-natural urban green spaces, allotments, cemeteries, green corridors and civic spaces. It also includes not just land, but also inland bodies of water that offer important opportunities for sport and outdoor recreation and which can also act as a visual amenity." The application site therefore constitutes 'open space' by this definition.

11.0 PPS8 - Policy OS1 Protection of Open Space:

Policy OS1 seeks to prevent development that will result in the loss of existing open space or land zoned for open space provision, with a presumption against the loss of existing open space irrespective of its physical condition and appearance. An exception is permissible where it's demonstrated that the redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. In considering the merits of the proposal against the exception under Policy OS1, it is noted that the majority of the site is currently unusable open space and the redevelopment proposal will open this up for active and passive uses, including wider recreational capacity of the lake.

The proposed redevelopment of the existing open space will result in some loss due to the recreational hub building, carparking and vehicular access road and associated areas of hardstanding, with c.7365m² loss of a site measuring 42,181m² equating to c.17% loss of open space of the overall site. The proposal will however open up the existing open space in terms of its accessibility and recreational use and the supporting statement submitted notes that the loss of open space is outweighed by the development of a scheme which will introduce significant increased accessibility for members of the public.

In considering the specific site circumstances and nature of this proposal, it is accepted that the proposed minor loss of open space for ancillary development to support the accessibility of the remaining site merits an exception to Policy OS1 and is acceptable, in principle, in the context of the demonstrable community benefits the proposal will bring.

PPS8 Policy OS3 Outdoor Recreation in the Countryside:

The proposal includes areas of outdoor recreation including a new slipway and floating pontoon, in addition to an area for outdoor events / recreation. Under Policy OS3, proposals for outdoor recreational use in the countryside will be permitted where all of the criteria below (i – viii) are met:

OS3 (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

The proposal will not impact on any known listed buildings or structures. There is a submerged Crannog within Camlough Lake which could potentially be impacted (ARM026:016.) HED's Historic Monuments having reviewed the proposal and submitted details however, are content with the proposal subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. *Subject to compliance with these necessary conditions, the proposal meets this criterion.*

A series of environmental reports were submitted with the planning application which assessed the impacts of the proposal on protected species and habitats during both construction and operational stages and on designated sites including the ASSI and SLNCI. In their consultation responses (dated 23.08.24, 01.09.25, 24.11.25) NIEA NED have expressed conservation concerns with the proposal in that the development would, if permitted, have the potential to have an unacceptable adverse impact on the conservation objectives of Cam Lough ASSI. NED have also identified other natural heritage interests including impacts on protected habitats and species. The Planning Department's detailed consideration of such concerns is included under Policy PPS 2 below.

OS3 (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

The proposal does not involve the loss of agricultural land. *The potential on surrounding agricultural land and activities is not expected to be significant in the context of the site's location, established use and operational activities.*

OS3 (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

The proposed design has been carefully thought through including by virtue of pre-application discussions and has been refined to address any concerns in relation to visual impact. *The proposal in its amended form satisfactorily integrates into the local landscape, including backdrop of mature vegetation to the east.*

OS3 (iv) there is no unacceptable impact on the amenities of people living nearby;

Whilst the proposal will generate noise, general disturbances (including traffic) and impacts on air quality during construction, any likely effects can be appropriately managed so as to avoid any unacceptable adverse impacts on surrounding residents. Environmental Health has not raised any concerns with the proposal, subject to lighting details and construction being carried out in accordance with the submitted details. No third party objections have been received to this effect. *Subject to necessary conditions being met, the proposal is considered acceptable to this criterion.*

OS3 (v) 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;

An Event Management Plan has been submitted which sets out the various arrangements for the events to ensure they are executed successfully, with the largest expected event to cater for 200+ attendees (swimming competitions) and a maximum of 4 no. medium or large events will occur during the May-September period. Dfl Roads having raised initial concerns in relation to road and pedestrian safety, requested additional and revised details. *Following provision of these details, Dfl Roads are satisfied the proposal will not prejudice road or pedestrian safety and that a convenient means of access will be provided to the development, subject to condition.*

OS3 (vi) any ancillary buildings or structures are designed to a high standard, 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;

The proposed building has been carefully designed within the overall layout to ensure it integrates into the sensitive rural AONB setting. Ancillary development including carparking are located to the rear of this building to ensure they are appropriately screened from view. *The proposal in its current form is considered acceptable to this requirement.*

OS3 (vii) 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;

The proposal has been designed for use by all persons (able bodied or disabled), the Hub and access arrangements have been designed for users of all abilities. The principles of inclusive design have been prioritised and factored into the proposed scheme in the following ways:

- Flat and ramped access is provided into and throughout the building.
- Accessible link from the car parking area to the main entrance points via ramped concrete area.

• Disabled toilet and shower and changing places facilities fitted with a call alarm system.
Alarm signals will link back to a main indication panel located in the main reception area.
• 7no. disabled car parking bays located by the recreational Hub building.
• Path gradients provided at no more than 1.21.
• Floating pontoon providing accessible access to the lake; and
• Specific accessible hoist to allow wheelchair users access into kayaks for use on the lake from the pontoon.

The proposal has incorporated design solutions, such as level access for entrances and implementation of accessible facilities throughout all buildings. Whilst the site is within a rural locality, it is served by nearby bus stop along Newtown Road – the proposal includes upgrading of footway links along the site frontage to aid safe pedestrian movements to and from the site in addition to on-site bus parking to encourage sustainable travel patterns of site users. *Proposals meet the requirements of this criteria*.

OS3(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal. Following revised and additional details,

Following amendments and additional details DfI Roads are satisfied that the proposal will not prejudice road safety. The development provides a total of 69 no. car parking spaces, including 7 no. disabled parking bays and 4no. coach parking spaces, which is considered acceptable to DOE Parking Standards on the basis of details submitted (including Transport Assessment Form.) *Subject to necessary conditions being complied with in relation to access and road safety, the proposal is considered acceptable to this requirement.*

PPS8 Policy OS5 Noise Generating Sports and Outdoor Recreational Activities:

On the basis of details provided (including Noise Impact Assessment), the proposal does not include the use of Camlough for water ski activities, which would be considered as a noise generating activity. *As this is the case, the provisions of OS5 are not applicable to the assessment on the basis of information submitted to date*. It should be noted that if the possibility of Noise Generating Water Sports is intended to occur, the proposal should be updated to assess these matters in more detail including a revised NIA.

PPS8 Policy - OS6 Development of Facilities Ancillary to Water Sports:

As noted, the proposal incorporates facilities ancillary to water sports including slipway and floating pontoon with a kayak launch. Under Policy OS6, development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways will be permitted where all of the criteria below (i-vii) are met:

OS6 (i) it is compatible with any existing use of the water, including non-recreational uses;

The proposal is directly compatible with the established recreational use at Camlough Lake and is considered acceptable to this requirement on the basis of details provided.

OS6 (ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

As discussed under OS3, the proposal will not result in adverse impact on features of importance to archaeology or built heritage. NIEA NED have raised concerns regarding the adverse impact of the proposal on the conservation objectives of Cam Lough ASSI and this is considered in detail by the Planning Department under PPS 2 below.

OS6 (iii) there is no adverse impact on visual amenity or the character of the local landscape;

Taking into account OS3 assessment, *the proposal will satisfactorily integrate into the surrounding AONB and rural landscape.*

OS6 (iv) it will not result in water pollution or an unacceptable level of noise or disturbance;

As previously considered within OS3, *subject to conditions being complied with, the proposal will not result in an unacceptable degree of noise or other disturbance.*

In terms of foul sewerage treatment, the proposal includes an on-site sewage treatment plant and NIEA NED initially raised serious conversation concerns over the intention of discharge into Cam Lough ASSI during the operational phase of the proposal due to impacts on the freshwater habitat for present and potential flora and fauna. NED requested (in their consultation responses dated 23.08.24, 01.08.25) that foul waste from the proposed recreation Hub did not discharge into Cam Lough ASSI and the agent subsequently submitted further information, in the form of drainage plans dated 17.09.25, showing a change in outfall for foul waste. Following this, NIEA NED confirmed that they welcomed the change in outfall for foul waste as described in the drainage plans which clearly show the wastewater will flow into Camlough River which flows away from Cam Lough ASSI (consultation response dated 24.11.25).

NIEA Water Management Unit (WMU) have considered the impact of the proposal on the surface water environment and on the basis of the information provided is content with the proposal strictly subject to conditions, the applicant referring to DAERA standing advice and any relevant statutory permissions being obtained (consultation response dated 24.11.25). NIEA WMU recommend a pre-commencement condition in the form of a CEMP, including a full method of works, to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

Applications have been submitted separately to NIEA and Rivers Agency (Schedule 6) for consent to discharge from the sewage treatment unit. These applications are currently under review by the relevant authorities.

OS6 (v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

As considered under OS3, the proposed building and associated development, having gone through detailed pre-application discussions which resulted in amendments in relation to overall massing, layout and detailing / finishes, *the proposal is considered to be sympathetic to this sensitive rural setting and is acceptable to this criterion.*

OS6 (vi) the proposed facility takes into account the needs of people with disabilities; and;

As considered and detailed under OS3, the proposal has been designed for use by all persons, with principles of inclusive design prioritised and factored into the proposed scheme.

OS6 (vii) there is no conflict with the provisions of any local management Plan;

The proposal does not conflict with provisions of the Local Development Plan or any other known local management plan, based on the details submitted.

Overall, following additional details and amendments to the proposal in relation to road safety and foul discharges, and subject to the necessary conditions being complied with (further consideration under PPS 2), *the proposal is considered acceptable to the relevant policy tests of PPS8, including Policies OS1, OS3, OS5 and OS6.*

12.0 SPPS (2nd Edition) and PPS16: Tourism Development (Policies TSM2 and TSM7)

PPS16 supersedes Policy CTY1 of PPS21 in relation to tourism development (which refers to the TOU policies of the PSRNI).

Given the nature of proposals which appear to straddle between what is deemed a tourist amenity (Appendix 1 of PPS16 - An amenity, facility or service provided primarily for tourists, but does not include tourist accommodation) as well as a tourist asset proposal (Appendix 1 of PPS16 - Any feature associated with the built or natural environment which is of intrinsic interest to tourists)

For the purpose of assessing the tourism potential of the proposal, policies TSM2 and TSM7 are considered to provide the relevant policy tests to be met:

PPS16 Policy - TSM2 Tourist Amenities in the Countryside:
Under Policy TSM2, permission will be granted for a tourist amenity in the countryside where:

a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside or;
b) the type of tourist activity in itself requires a countryside location.

The proposed recreational hub is designed to provide facilities for both water and non-water based activities at Camlough Lake, which is an established tourist attraction in its own right within the Ring of Gullion AONB. Whilst it does involve a new building, it is accepted that provision within existing or replacement buildings is not possible at this site and given its nature, it is required to be located close to Camlough Lake. *The proposal in principle meets the requirements of TSM2 given its specific nature.*

PPS16 Policy TSM7 Criteria for Tourism Development:

All proposals for tourism development are subject to the design and general criteria of Policy TSM7 (a -m) as considered below:

TSM7 (a) the submitted movement pattern including footway improvements, supports walking and cycling, meets the needs of people whose mobility is impaired, does not impinge on any known public rights of way and provides adequate and convenient access to public transport, including pedestrian footway links along Newtown Road, to encourage safe movements to the closest bus stop along Newtown Road (approximately 600m north of the existing site access, serving the No.42 bus service Newry to Camlough route) as well as linkages to the nearest settlement of Camlough.

TSM7 (b) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and will assist the promotion of sustainability and biodiversity;

TSM7 (c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view, with carparking and bin storage located to the rear of the proposed building, screened from view.

TSM7 (d) the proposal incorporates the use of SUDS to deal with surface water drainage to ensure that surface water run-off is managed in a sustainable way;

TSM7 (e) the overall layout is well supervised and is designed to deter crime and promote personal safety, including use of CCTV cameras as appropriate.

TSM7 (f) the proposed development does not involve public art.

TSM7 (g) the proposal is compatible with surrounding land uses including Camlough Lake and on the basis of details provided, neither the use or built form will detract from the landscape quality and character of the surrounding area.

TSM7 (h) As considered under OS3, the proposal is not expected to harm the amenities of nearby residents.

TSM7 (i) It is considered that, on balance, the impact of the proposal on the conservation objectives of Cam Lough ASSI could be mitigated by way of planning conditions and therefore will not adversely affect features of natural heritage (see detailed assessment under PPS 2 below). HED Historic Monuments are content that, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works being complied with, the proposal will not adversely affect built heritage features.

TSM7 (j) The proposal will not generate any emissions with some impacts on air quality possible during construction. Provided the details submitted within the Air Quality Assessment Report are followed, it is unlikely to result in significant impacts. The proposal includes an onsite treatment plant to deal with foul sewerage. Initial proposals included the subsequent discharge into Cam Lough ASSI however following concerns raised by NIEA NED in relation to impacts on Cam Lough ASSI aquatic environment, this has been amended and wastewater will flow into Camlough River which flows away from Cam Lough ASSI. It is considered that this will ensure safeguarding of water quality through adequate means of sewage disposal.

TSM7 (k) The proposed access off Newtown Road which includes alterations of an existing access is acceptable to PPS3 and DCAN15, as confirmed by DfI Roads in their final response dated 23.10.25.

TSM7 (l &m) Following receipt of additional details, it has been demonstrated to the satisfaction of DfI Roads that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic and that the existing road network can safely handle any extra vehicular traffic the proposal will generate.

Overall, following submission of additional and revised details, the proposal is considered acceptable to the relevant provisions of PPS16, including policies TSM2 and TSM7, subject to the necessary conditions (including those discussed under PPS 2) being met.

13.0 SPPS 2nd Edition and PPS21 (policies CTY13 and CTY14):

Policies CTY13 (Integration and Design of Buildings in the Countryside) and CTY14 (Rural Character) are relevant to this assessment. Under Policy CTY13, 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. Policy CTY14 prohibits development that would cause a detrimental change to or further erode the rural character of an area. The design submitted has notably been through an informal pre-application discussion process (LA07/2023/2306/PAD) which assisted in informing the design proposal submitted, in terms of layout, massing, detailing and finishes.

The proposed car parking area is deliberately positioned to the rear of the proposed hub building so as to not appear incongruous in the sensitive rural landscape. The building itself would notably benefit from the backdrop of mature trees and vegetation on the site to assist in its integration, whilst the finishes have been carefully selected so as to not appear prominent in the landscape. The new road has the potential to disturb the visual aspect of the rural landscape, however it has been sensitively designed (primarily single width with natural gravel finish and augmented with tree planting,) to assist in its natural integration. The scheme also includes significant landscaping proposals in addition to augmentation along the access road, including the retention of existing trees insofar as possible, and proposed new tree and vegetation planting throughout the entire scheme layout, with amenity areas to be grassed.

In considering all of the details submitted against the criteria set out within policies CTY13 and CTY14, the proposal (subject to details being implemented in accordance with the submitted details) satisfactorily nestle into this rural site. Conditions will be required in relation to landscaping and maintenance to ensure that details are implemented and maintained in perpetuity, in the interest of rural visual amenity.

14.0 PPS21 and Policy CTY16 (Development relying on non-mains sewerage):

The proposal will generate foul sewerage during operation, with an on-site package treatment plant proposed as a foul sewerage solution. Under policy CTY16, permission may be granted for development relying on non-mains sewerage where it can be demonstrated that it will not create or add to a pollution problem. The proposed sewerage solution requires Discharge consent, issued under the Water (Northern Ireland) Order 1999, for the disposal of foul sewage from this development. NIEA's Water Management Unit having been consulted on the proposal and advise in their consultation response dated 24.11.25 that a negative condition should be imposed requiring consent to discharge to be obtained prior to the commencement of development. This is considered necessary both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any wastewater treatment system.

Subject to the necessary consent being obtained, the proposal would be acceptable to CTY16 requirements.

15.0 SPPS 2nd Edition, PPS2 and Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015)

PPS2 - Policy NH1 (European and Ramsar Sites – International) and HRA:

The Planning Department has completed a HRA screening for the application, which indicates that the proposal is hydrologically connected to European designated sites within Carlingford Lough, including: Carlingford Shore SAC and Carlingford Lough SPA

and Ramsar. In addition, the site is within 7.5km from Slieve Gullion SAC and Derryleckagh SAC.

A HRA Stage 1 Screening has been carried out and submitted with the application (Aecom, dated March 2024) which concludes that there will be no likely significant effects on any European site, on the basis of objective scientific information, and in view of the conservation objectives of the relevant sites, either individually or in combination with other plans or projects. The HRA report subsequently concludes that a Stage 2 appropriate Assessment is not therefore required.

SES has been consulted in relation to the proposal submitted and in response dated 09.07.2024, advise that as NMDDC is the applicant for this application, they are the competent authority for this proposal and must undertake as much of the assessment process as required, under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Following receipt of this response, the Planning Department sought clarification in relation to this advice whereby SES confirmed that the previous response issued under the PAD confirmed that NMDDC can adopt the conclusions of the AECOM Shadow HRA, which are aligned with the conclusions of the HRA report now submitted.

On the basis of this clarification and information submitted, it is concluded that the proposal is unlikely to have a significant effect on a European Site or a listed or proposed Ramsar site and is acceptable to PPS2 Policy NH1 requirements.

16.0 PPS2 Policy NH2 (Species Protected by Law):

Policy NH2 only permits development proposals that are unlikely to harm a European Protected Species. NIEA's Natural Environment Division (NED) having been consulted in relation to the proposal provide the following advice in relation to protected species in their consultation response dated 23.08.24.

Bats: NED are content that Drawing No. IA0450-E-XX-96-001 P05 External Lighting (Lux), shows low levels of light spill on features which are considered likely to be of importance to bats present on the application site. Proposed compensatory details for the loss of potential roosting habitat and to enhance the roosting opportunities on site for bats includes 5 no. proposed bat boxes to an acceptable location and specification. NED are content that the proposed compensatory/enhancement measures for bats are not within areas subject to significant (>1lux), if any, light spill.

Badgers: NED are content that mitigation measures have been included within Section 4.6.2 Badger (EMP, Page 20), including pre-construction surveys by a suitably experienced ecologist. A general recommended condition will be included at the final consultation stage regarding the implementation of mitigation measures including pre-construction surveying.

- Otters: Ensuring that potential pollution pathways from construction works are minimised and that mitigation measures are implemented to reduce the likely significance of the aquatic environments associated with the application site, NED do not consider significant impacts on otter likely.
- Red Squirrel and Pine Marten: NED do not consider significant impacts on either species likely.

It is noted in NED's most recent consultation response dated 24.11.25 that natural heritage considerations exist on site albeit the consultation refers to wider matters affecting the ASSI and the water body. The consultation in November 25 does not comment on protected species however the consultation response preceding this (dated 23.08.24) in relation to protected species advised that 'a **general** recommended condition will be included at the final consultation stage' which was specific to badger activity, generally comments appear to be content in relation to other protected species.

The Planning Department have tried to contact NED several times recently (8th, 19th, 26th, 28th, 29th Jan) to resolve the outstanding matters to no avail.

NED have not provided final specific conditions in relation to protected species, on the basis of details provided and advice of NED (dated 23.08.24) based on the information before the Planning Department *consider the proposal is unlikely to harm a European Protected Species and is acceptable to Policy NH2 requirements, subject to the necessary conditions being complied with as detailed at the end of this report.*

PPS2 Policy NH3 (Sites of Nature Conservation Importance – National)

As noted, the application site is within and adjacent to Cam Lough ASSI and therefore the proposal directly impacts on it. Policy NH3 states planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an ASSI. The policy goes on to state that a development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.

At the time of writing this report, NIEA NED's most recent consultation response dated 24.11.25 raises concerns, and that in the absence of further information, state that the proposal would be contrary to PPS 2 and the SPPS in that the development would be likely to have a significant effect on Cam Lough ASSI and insufficient information has been submitted to establish otherwise. Whilst NED welcome the additional information included in the oCEMP V4, specifically the installation of a culvert over one of the watercourses on site, they have concerns regarding no specific information on mitigation measures to prevent pollution from the creation of the slipway and pontoon within the ASSI.

In summary, the concerns raised by NED in relation to designated sites include:

- Cam Lough ASSI is designated for its flora and fauna assemblage and as a mesotrophic lake. These lakes are sensitive to pollution and any increase in nutrients levels.

- There is no specific information on mitigation measures to prevent pollution from the creation of the slipway and pontoon within the ASSI. Any development within an ASSI is likely to cause damage without appropriate mitigation. NED acknowledge a construction method statement will be provided within a final CEMP once a contractor is appointed, however NED require further detail on how any intended works would be appropriately mitigated to protect the ASSI, its qualifying features and water quality of Cam Lough ASSI.

- NED note that the drainage plan indicates drainage from the car park will flow into an unnamed watercourse which flows into Cam Lough ASSI. NED seek clarification of an unannotated box between the outfall into the unnamed river and the car park drainage on dwg C-5004 Rev 19 (dated 17.10.25) and if any hydrocarbon interceptors will be used to ensure no fuel or oils from the car park will enter Cam lough ASSI during the operational phase of the proposed development.

- NED seek clarification on mitigation measures proposed to ensure sediment laden water from the fallout does not flow directly into the ASSI. NED recommend that mitigation is clearly detailed on a map. NED also recommend that any map also details the location of the contractors' compound and other mitigation from the construction of the proposed development which will be in place during the duration of the construction phase.

- NED note flora assemblage is specifically referenced within the citation document of Cam Lough ASSI and lists macrophytes such as Shoreweed Littorella uniflora and Floating Clubrush Eleogiton fluitans. As this proposed development will result in loss of shoreline from the ASSI and given the time that has elapsed since the initial Extended Phase 1 Habitat survey (dated August 2022) the ecologist should confirm the details of any macrophytes within the area of Cam Lough ASSI to be developed, and how these species will be protected and/or how the loss of any species will be compensated.

As a result of the above concerns, NED requested further information (response dated 24.11.25) including:

1. A revised oCEMP to include:
    - Further detail on how any intended works would be appropriately mitigated to protect the ASSI, on the creation of the slipway and pontoon and the installation of the culvert.
    - A map identifying the contractor's compound and mitigation measures to prevent dirty/sediment laden water entering Cam Lough ASSI from the development site.
2. A revised Drainage map to identify the unannotated box within the drainage plan.
3. Details of macrophytes within the red line boundary

Following the request for further information as stated above, the agent submitted a letter, a revised drainage map and a revised oCEMP. NIEA NED were subsequently

reconsulted on 26.01.26 and at the time of writing this report no formal response has been received.

To engage with NED about the concerns raised regarding impacts on the ASSI the Planning Department have made several attempts to engage with them outside of the formal consultation process. This has included:

- 8th and 19th January 2026 – Planning emailed DAERA's Planning Response Team requesting discussion with NED.
- 26th January 2026 – Planning emailed NED mailbox requesting same and alerting NED to formal consultation.
- 28th January 2026 – Planning emailed DAERA's Planning Response Team and NED mailbox seeking NEDs comments.
- 29th January 2026 – Planning spoke with NED case officer on phone who directed them to NIEAs prioritisation list. NMDDC Assistant Director contacted NIEA prioritisation list.

The Planning Department have considered all information submitted by the applicant through the planning process, the responses provided by NIEA NED and the impacts on Cam Lough ASSI and given the nature of the concerns raised by NED consider that on balance these can be appropriately mitigated by way of negative planning conditions.

It is acknowledged that specific concerns remain with NED about the lack of information on mitigation measures during construction stage to prevent pollution from the creation of the slipway and pontoon within the ASSI, drainage from the car park into Cam Lough ASSI and details of the location of the contractors' compound and other mitigation from the construction of the proposed development. Given the nature of these concerns specifically relating to the construction stage it is considered that these can be dealt with in a final CEMP, including a construction method statement, as a negative planning condition. This will ensure further detail is provided on how any intended works will be appropriately mitigated to protect the ASSI, its qualifying features and water quality of Cam Lough ASSI prior to works commencing on site.

NEDs concerns regarding the loss of shoreline from the ASSI and the protection of macrophytes within the application site have been considered. The Planning Department acknowledge the initial Extended Phase 1 Habitat Survey (dated August 2022) submitted with the planning application and are of the opinion that given an initial survey was submitted, an updated survey and details on mitigation measures and/or how the loss of any species will be protected (depending on the survey results) can be dealt with by way of a negative planning condition. This will ensure the relevant mitigation measures will be in place to protect the shoreline of the ASSI prior to works commencing on site.

Overall, it is considered that the benefits of the proposed development clearly outweigh the value of the site. In that the development delivers significant environmental benefits in the creation of a modern community facility on a site currently being used for water and land-based recreation. The proposal will also bring with it economic, physical

and social benefits, and that appropriate mitigation and/or compensatory measures will be in place to ensure no adverse effect on the integrity, including the value of the site to the habitat network, or special interest of Cam lough ASSI. *The proposed development is therefore considered to satisfy the requirements of Policy NH3.*

PPS2 - Policy NH4 Sites of Nature Conservation Importance – Local

The proposal does not impact on a Local Nature Reserve or Wildlife Refuge. The application site overlaps with the designated Cam Lough Site of Local Nature Conservation Importance (SLNCI), which is noted to be designated for lake habitat. NED have concerns that the proposal may result in significant habitat loss, which may in turn significantly impact the conservation objectives of the Cam Lough SLNCI. From the information provided, approximately 6600m² of the proposed development footprint is located within the SLNCI and will be developed, equating to an approximate loss of 18% of the SLNCI site, or 2.3ha of permanent habitat loss within the site of local nature conservation importance. Compensatory planting and landscaping proposals have been provided in the EMP and as detailed on Drawing No. 2811.1.01 Landscape Plan. Similar habitats to those to be lost to the development are proposed and therefore NED consider that with appropriate management of such habitats through the implementation of a habitat management plan, the proposed mitigations will provide compensation for the loss of the SLNCI habitat.

It will be necessary to attach a planning condition in relation to the Habitat Management Plan, as detailed at the end of this report. Subject to this being complied with, the proposal is considered to comply with Policy NH4.

PPS2 - Policy NH5 (Habitats, Species or Features of Natural Heritage Importance)

Policy NH5 prohibits development which would result in an unacceptable adverse impact on: priority habitats, priority species, active peatland, ancient and long-established woodland, features of earth science conservation importance, features of the landscape which are of major importance for wild flora and fauna, rare or threatened native species, wetlands (includes river corridors); or other natural heritage features worthy of protection.

From the submitted EcIAR, NED note the application site consists of a mosaic of continuous bracken, semi-improved grassland, and dense scrub, with some woodland habitat, watercourses and a species-poor defunct hedgerow present to the north of the site. The ecologist has identified Northern Ireland Priority Habitat on site in the form of hedgerow, Camlough Lake, and watercourses/streams. NED are content that, while vegetation clearance is required to facilitate the proposal, Priority habitats within the site are noted to be fully retained. Habitats to be lost are noted to primarily consist of bracken and semi-improved grassland in the south of the site, with footpath construction leading to a loss of scrub and woodland in addition to those habitats listed. Some tree felling has also been proposed.

Landscaping proposals for the application site, as depicted on Drawing No. 2811.1.01 Landscape Plan show additional and compensatory planting throughout the site consisting of a mix of native tree species, species-rich hedgerow planting and native shrub planting. A number of trees are proposed for retention throughout the application site; therefore, it will be necessary to impose a planning condition regarding the protection of retained vegetation and tree root protection zones.

Enhancement recommendations within the submitted Ecological Management Plan (EMP, AECOM Limited, April 2024) include long term ecologically sensitive management of retained habitats onsite, particularly woodland, scrub and hedgerows, with reference made to a Habitat Management Plan and Habitat Monitoring, explored in Sections 4.3 Habitat Management Plan (Page 15) and 4.5 Habitat Monitoring (Page 17). Given the proposed habitat monitoring and potential significance of impacts on priority habitats and natural heritage features worthy of protection, including SLNCI habitat, NED consider that a Habitat Management Plan should be created and implemented for the application site as a means of mitigating for impacts as a result of the proposal. Information regarding the proposed intent of the Habitat Management Plan has been provided in the EMP, therefore include a recommended condition regarding the creation and implementation of habitat mitigation measures as detailed at the end of this report.

In relation to Priority Species, NED note the loss of scrub and grassland habitat which is likely to impact breeding/nesting birds on site, and therefore compensation has been proposed. A range of several bird boxes of various styles, including open fronted and closed fronted boxes with a variety of hole sizes suited to various species found in the site are proposed to be installed. A minimum of five bird boxes of various style will be erected, as shown on Drawing No. 2811.1.01 Landscape Plan.

NED are content that the EMP also notes that vegetation clearance will be restricted to outside of the bird breeding season, however where this is not possibly, a suitably experienced ecologist/ECoW will first complete a check for birds' nests prior to works taking place. It will be necessary to impose a planning condition to this effect in order to protect nesting birds.

Irish Hare, Irish Stoat, and Hedgehog are all priority species, which are also active in the area and habitat around the application site, however the ecologist notes that few records were returned from within the site. Given the habitats present however it's likely that they may occur within the site where there is suitable habitat.

NED are content that mitigation measures have been included for the loss of suitable habitat for such priority species, with landscaping proposals seeing planting of similar native species habitats to those that will be lost to the development. Specific mitigation for Hedgehog has also been noted and includes the creation of two nest boxes to be installed within retained hedgerow prior to works commencing.

Subject to the necessary conditions being complied with including mitigation and compensatory measures, the proposal is considered acceptable to NH5 policy requirements.

PPS Policy NH6 (Areas of Outstanding Natural Beauty):

Policy NH6 seeks to protect AONBs from inappropriate development, with the detailed requirements to be met set out within criteria a-c. The proposal has been sympathetically located so as to absorb within the mature vegetation and mountain backdrop to the east, with carparking and bin storage areas screened from view. The building massing has been designed with a 'crooked' roof form to reflect the surrounding topography, while presenting the familiar low pitches, chimneys and materiality typical of the rural vernacular. Materiality throughout the scheme has evolved from pre application discussions and has been carefully selected to ensure the proposed building blends cohesively into the sensitive AONB landscape, together with significant landscaping proposals. Finishes to the building include: Standing Seam Zinc Roof, Roughcast Render, Precast Concrete, Charred Timber, Ceder or Siberian Larch, Aluminum framed Windows, Steel doors, Timber Sliding doors, whilst ancillary works incorporate traditional finishes including gravel along the proposed access road.

Overall, on the basis of information submitted, the proposal is considered an appropriate design, size and scale for the locality and is acceptable to criteria a-c of Policy NH6.

In summary, whilst NIEA NED have advised that they are currently unable to advise on recommended conditions given that further information is required, it is considered that based on the advice received from NIEA NED to date and the nature of the concerns raised that on balance the proposal is acceptable to PPS2 requirements, subject to the planning conditions outlined at the end of this report being complied with.

17.0 SPPS 2nd Edition and PPS3, PPS13, DCAN15, DOE Parking Standards

DfI Roads were formally consulted in relation to the planning application and in their most recent consultation response dated 23.10.25 recommend conditions and informatives relating to the Private Streets (NI) Order 1980 to be included.

Overall, on the basis of details submitted and the advice from DfI Roads, subject to the necessary conditions being complied with, the proposal is considered satisfactory to the requirements of PPS3, PPS13, DCAN15 and DOE Parking Standards.

18.0 SPPS 2nd Edition and PPS6: Planning, Archaeology and the Built Heritage

The proposed recreational hub is in the immediate setting of Camlough Crannog (ARM 026:016) and the site of lock houses, sluices and reservoirs which are also on the Industrial Heritage Record are within the proposed development site (IHR 00541:000:00). The proposed development area is archaeologically sensitive and has potential to contain previously unrecorded below ground remains associated with the

crannog and other monuments in the surrounding area. An Archaeological Impact Assessment Report (Gahan & Long, dated 29.03.2024) has been submitted with the planning application and has been issued to Historic Monuments through the planning consultation process.

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

On the basis of HED's advice, the proposal is considered acceptable to PPS6, subject to the conditions detailed at the end of this report being complied with.

19.0 SPPS and PPS 15 (Revised)

PPS 15 - Policy FLD1 Development in Fluvial and Coastal Flood Plains:

Rivers Directorate advise that Flood Maps (NI) indicates that the proposed development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain however they acknowledge that the proposal has been deemed an exeption by the Planning Department under category (f) of Policy FDL1 – 'the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children'.

Rivers Directorate reviewed the Flood Risk and Drainage Assessment (Dec 2022) and while not being responsible for the preparation of it accept its logic and has no reason to disagree with its conclusions.

Proposals meet the requirements of FLD1

PPS 15 - Policy FLD2 Protection of Flood Defence and Drainage Infrastructure:

The proposals comply with this sub-policy FLD2. Two designated watercourses Camlough Minor and Camlough Feeder No 2 bound the site. Under 6.32 of the policy it is essential that a working strip with a minimum width of 5m is retained but up to 10m where considered necessary and the working strip should be shown on a site layout drawing included in any forthcoming decision notice to enable enforcement of the provision of the working strip. *Subject to maintenance strip condition overall proposals meet FLD2.*

PPS 15 Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains:

Rivers Directorate has reviewed the Drainage Assessment (DA) by Design ID, dated December 2022, and advises that the Drainage Assessment indicates that flood risk to

and from a portion of the development will be managed using a SuDS. Commenting on the efficacy of the proposed SuDS is outside Rivers Directorate's area of knowledge and expertise. Consequently, Rivers Directorate cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy.

Paragraphs 6.99–6.132 of the SPPS (2nd edition) states that Sustainable Drainage Systems (SuDS) should be the preferred approach to managing surface water in new development, promoting natural drainage, reducing flood risk, and enhancing environmental quality. The Planning Department therefore consider the SuDS methods proposed to manage flood risk to and from the development to be acceptable and aligns with the SPPS.

The agent has submitted a copy of their schedule 6 consent from DfI Rivers (dated 8th October 2024) for the proposed two outfalls. *It is considered that the requirements of sub-policy FLD3 have been satisfied.*

PPS15 Policy FLD4 Artificial Modification of Watercourses:

Schedule 6 consent for the works has been granted on 8th October 2024 to amend (extend the culvert and widen the bridge) the bridging over the watercourse known as the Camlough Feeder Number 2. *The proposals are deemed to satisfy this sub-policy FLD4.*

PPS 15 - Policy FLD5 Development in Proximity to Reservoirs:

Rivers Directorate's reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. Rivers Directorate is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective. *On the basis of this advice, the proposal is considered acceptable to Policy FLD5.*

Flood risk in the Climate Change Scenario:

Rivers Directorate advises that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps indicate that the site does not lie within the 1 in 100 year climate change fluvial flood plain or the 1 in 200 year climate change coastal flood plain.

Overall, the proposal, subject to conditions (i.e. working strip) is considered acceptable to the requirements of PPS15 (as revised).

20.0 Impact on the Aquatic Environment

NIEA Water Management Unit (WMU) were consulted on the planning application and

in NIEAs combined response dated 24.11.25 advise the proposal is acceptable subject to compliance with Policy FLD4 in revised PPS15, conditions, the applicant referring and adhering to DAERA standing advice and any necessary consents being obtained.

As previously discussed under Policy FLD4, the necessary schedule 6 consent has been obtained from Dfl Rivers to amend (extend the culvert and widen the bridge) the bridging over the watercourse known as the Camlough Feeder Number 2. Furthermore, discharge consent for the disposal of foul sewage from the development will be attached as a negative planning condition, as detailed at the end of this report. The Planning Department acknowledge WMU's detailed advice on the best practice and appropriate mitigation which must be applied during the construction, deconstruction and operational phases of the proposed development in order to protect groundwater and all waterways. The detail required in the CEMP is clearly set out in the planning conditions as detailed at the end of this report.

21.0 Land Contamination

A Preliminary Risk Assessment (PRA) has been submitted by Design ID in support of this application. Design ID identified low risks to the water environment and recommend that no further investigation is required. DAERA'S Regulation Unit (RU), Land & Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Environmental Health also advise that if any foreseen ground contamination is encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal. *On the basis of information provided, it is considered that planning conditions will be necessary to ensure that any discoverable contamination is appropriately dealt with, in the interest of public health.*

22.0 Water Infrastructure/ Utilities

The proposal includes connection to public water supply. NIW advise in their response dated 26.06.24 there is a public water main within 20m of the proposed development boundary which can adequately service the proposal and an application to NI Water is required to obtain approval to connect.

23.0 Impact to Residential Amenity

Whilst there are several properties located to the W of the proposal these are far removed from the hub use that no additional impact to amenity is likely to occur. EH have raised no issues of concern. Parking/ hardstanding already exists at this location and activities are already conducted throughout the year at this location with no known

environmental health concerns. *Proposals are acceptable and will not cause adverse impact to amenity.*

24.0 Conclusion: The proposed development represents a significant investment in Camlough Lake and through the balancing of environmental, economic and social matters and necessary mitigation will provide a sustainable development for this part of South Armagh. The proposed development is considered to comply with the Local Development Plan and all other policy and material considerations and as such is recommended for approval, subject to conditions.

25.0 RECOMMENDATION: Approval

Neighbour Notification Checked	Yes

Summary of Recommendation

Draft Planning Conditions:

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

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

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

   The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 5007 REV P07 submitted 10th September 2025

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

3. No other development hereby permitted, shall be commenced until the footway along Newtown Road has been fully constructed in accordance with Drawing 5007 REV P07 submitted 10th September 2025.

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

4. Prior to the commencement of any other development hereby permitted, the vehicular access, including visibility splays and any forward sight distance, shall be fully constructed accordance with Drawing 5007 REV P07 submitted 10th September 2025. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. No other development hereby permitted, shall become operational until provision has been made and permanently retained within the curtilage of the site for the parking (and turning) of private cars and coaches as shown on the approved Drawing 5007 REV P07 submitted 10th September 2025.

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

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

   The POW shall provide for:

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

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

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

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

8. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall

be undertaken in accordance with the programme of archaeological work approved under condition 6.

These measures shall be implemented and a final archaeological report shall be submitted to and agreed in writing by the Planning Department within 12 months of the completion of archaeological site works, or as otherwise agreed in writing.

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

9. Prior to commencement of the development hereby approved, a site layout plan containing full details of a working strip of a minimum width of 5m shall be submitted to and agreed in writing by the Planning Department in consultation with Rivers Agency. The working strip shall be implemented in accordance with the approved details, retained thereafter and shall be protected from any future impediment or any development. Access shall be afforded at all times by Rivers Agency or authorised personnel for the purpose of their statutory functions.

   Reason: In the interests of the protection of drainage infrastructure.

10. No part of the development hereby approved shall become operational until the drainage arrangements, agreed by NI Water have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

11. Prior to the commencement of the development hereby approved, a Schedule 6 Consent to Discharge shall be submitted to and agreed in writing by the Planning Department in consultation with DfI Rivers Agency.

    Reason: As required by the terms of Schedule 6 of the Drainage (NI) Order 1973 and to ensure surface water can be safely discharged from the proposed development.

12. Once a contractor has been appointed and at least 8 weeks prior to the commencement of all development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Planning Department. The CEMP shall contain all the appropriate environmental mitigation as advised by DAERA WMU in their response dated 24th November 2025 and include full details of:

- Any intended works would be appropriately mitigated to protect the ASSI, on the creation of the slipway and pontoon and the installation of the culvert.

- A map identifying the contractor's compound and mitigation measures to prevent dirty/sediment laden water entering Cam Lough ASSI from the development site.

- A revised Drainage map to identify the unannotated box within the drainage plan.

- Details of macrophytes within the red line boundary

Development shall take place in accordance with the approved CEMP.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect connected features of European Sites.

13. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to and agreed in writing by the Planning Department within 6 weeks of works commencing.

Reason: To protect breeding birds

14. Prior to commencement of the development hereby approved a Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Planning Department. The HMP shall contain details on the creation and implementation of habitat mitigation measures as described within the submitted Ecological Management Plan (EMP, AECOM Limited, April 2024). Development shall take place in accordance with the approved HMP.

Reason: Protection of habitat

15. Once a contractor has been appointed and at least 8 weeks prior to the commencement of all development hereby approved, written confirmation shall be submitted to and agreed in writing by the Planning Department from a suitably qualified and experienced ecologist to confirm that mitigation measures

as set out within the Ecological Management Plan (EMP, AECOM Limited, April 2024 page 20) have been implemented as agreed.

Reason: Protection of badgers

16. External lighting as indicated on drawing number IA0450-E-XX-96-001(10) Rev P05 shall be implemented as approved, and retained thereafter.

Reason: In the interests of safety for users of the site.

17. All construction works shall be carried out in strict accordance with Section 6 of the Air Assessment Report (number 445056-01(01) prepared by RSK Environmental Ltd).

Reason: In the interests of public health

18. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease, and the Planning Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance (available at https://www.gov.uk/guidance/land-contamination-how-to-managethe-risks.) In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Planning Department and subsequently implemented in accordance with the approved details and timeframe.

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

19. After completing all remediation and decommissioning works under Conditions 15 and prior to the operational use of the development, a verification report shall be submitted to and approved in writing by the Planning Department. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-tomanage- the-risks. The verification report should present all the remediation, decommissioning and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

20. During the first available planting season after the operational use of the approved development, or as otherwise agreed in writing by the Planning Department, landscaping shall be carried out in accordance with Drawing No. ..... date received ..... and maintained thereafter.

    Reason: In the interest of visual amenity.

21. 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 Planning Department seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place unless the Planning Department gives its written consent to any variation.

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

22. The open space and amenity areas as indicated on the drawing .... . date received ..... (.....) shall be managed and maintained in accordance with a detailed Landscape Management and Maintenance Plan which shall be submitted to and agreed in writing by the Planning Department prior to the the operational use of the development hereby approved.

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

23. The position for the coffee cart as shown on drawing no.....shall not be used for permanent commercial use or for any other use without the written consent of the Planning Department and use for a coffee cart shall only be operational for a period not exceeding 28 days in any calendar year.

    Reason: In the interests of visual amenity and to avoid unacceptable land uses within a sensitive location.

Case Officer Signature: K.Bronte

Date: 6 February 2026

Appointed Officer Signature:

Date: Patricia Manley 06.02.26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Development Management Officer Report		
Case Officer: Joanne McVeigh		
Application ID: LA07/2023/2965/F		**Target Date:**
Proposal: Development of new 2-Storey community facility building and outdoor space to include children's terrace, community garden workshop, bin store area, hard and soft landscaped areas, street furniture, cycle parking, car parking, external lighting and new pathways connecting to the existing pedestrian network. Replacement of existing play park with 'health and wellbeing garden'. Works to include temporary construction compound, underground drainage system (NIE Substation)and all associated site works. Vehicular access to the site and bowling club retained off Clonallon Road (Amended Site Layout and Building Height)		**Location:** Existing area of open space and car park to the west of Warrenpoint Bowling Green, Clonallon Park, Clonallon Road, Warrenpoint, BT34 3RR
Applicant Name and Address: S Trainor Newry Office Monaghan Row Newry BT35 5SX		**Agent Name and Address:** Sarah McDowell Pearl Assurance House 1 Donegall Square East Belfast BT1 5HB
Date of last Neighbour Notification:		23 October 2023
Date of Press Advertisement:		9 April 2025
EIA Determination:		
Consultations: Dfl Roads, Dfl Rivers, NIEA: NED, RU & WMU, HED: HBU & HMU, Development Plan Team, Environmental Health, SES, NIE, Foyle Carlingford Lough, NI Water, NM&D.		
Representations:		
Letters of Objection	2	
Letters of Support	262	
Petitions	0	
Signatures	0.0	
Number of Petitions of Objection and signatures		
Summary of Issues: consideration below		

Site Visit Report

Figure 1: SITE LOCATION PLAN:



Date of Site Visit: 4/12/25

CHARACTERISTICS OF THE SITE AND AREA.

The application site, shown above, measures 1.37Ha and comprises a central area within Clonallon Park. It encompasses the existing vehicular access off Clonallon Road, an existing carpark, a largely sloping area of grass and an existing playpark.

The site is bounded by the existing playing field to the north, a bowling club building and green and residential development (Drumsesk Place) to the east, parkland to the south and Clonallon Road to the west, which provides a vehicular access to the Park. The application site is strategically located within the broader linear park and is the focus of a series of pedestrian paths, which link to a wider network of paths, providing uninterrupted access throughout the entire linear park. Clonallon Stream also runs along the western boundary of the site. Part of the existing grassed area is steeply sloping, with land falling from east to west towards Clonallon stream and some 5m in ground level difference. The area also contains a significant number of trees which contribute to the overall setting of the park.

The character of the surrounding area derives from a mixture of residential and civic buildings (including Mary Queen of Peace Church further west of the site and St Dallan's Primary School, further north-west, both located off Clonallon Road. The site is well connected to the wider urban area via a series of pedestrian accesses and paths, off Clonallon Road, Well Road and Springfield Road and a single vehicular access off Clonallon Road.

DESCRIPTION OF PROPOSAL.
The Proposal, which was received on 30 June 2023, seeks full planning permission for the development of a new 2-Storey community facility building and outdoor space to include children's terrace, community garden workshop, bin store area, hard and soft landscaped areas, street furniture, cycle parking, car parking, external lighting and new pathways connecting to the existing pedestrian network. Replacement of existing play park with 'health and wellbeing garden'. Works to include temporary construction compound, underground drainage system (NIE Substation) and all associated site works. Vehicular access to the site and bowling club retained off Clonallon Road.

Background Information.
As this application is categorised as 'major,' owing to the site area, it has been preceded by a Proposal of Application Notice (PAN), as required by Section 27 of the Planning Act (NI) 2011(reference LA07/2022/1667/PAN.) The PAN was considered acceptable when considered against legislative requirements on 19 December 2022.

The current application was subsequently submitted on 30 June 2023, following the required 12-week application notice period. The application was accompanied by a Pre-application Public Consultation Report (PACC) which confirms that community consultation has taken place in line with the statutory minimum requirements.

The Planning Department considered the initial plans and information submitted in support of the planning application. It also carried out a number of detailed site visits during the assessment of the application. This was followed an extended period of engagement between the Planning Department and the Agent, including correspondence from the Planning Department dated 11 March 2024, and 11 February 2025 to advise it had a number of significant concerns about the application, including:

- The loss of protected open space;
- The detrimental impact of the proposal on Clonallon Park;
- The unacceptable siting and scale of the proposed building which significantly differs from, and exceeds, that proposed in prior PAD discussions;
- Insufficient car parking provision;
- Lack of justification for the site selection and why it should be treated as an exception under Policy OS 1 of Planning Policy Statement 8, (PPS 8) 'Open Space, Sport and Outdoor Recreation'.

In response, the applicant submitted a general rebuttal letter on 29 May 2024 and further supporting information on 5 June 2025. This sought to address the points raised by the Planning Department. This was fully considered as part of the Planning Department's assessment of the application, as outlined below.

The general engagement, throughout the assessment of the application, also included a number of meetings between the Planning Department and the applicant on 30 April 2024 and 18 June 2024 to discuss all matters raised.

The Applicant subsequently submitted amended plans on the 25 March 2025 in response to the issues raised by the Planning Department, requesting that the application be brought to Planning Committee. This Assessment is based on the amended details and supporting information.

Final Proposed Design and Layout.

The proposed Community Hub building consists of a largely 2-storey building. The building comprises 2828 square metres of gross floor area. It is 9 metres in height above Finish Floor Level (FFL) 63 metres in length and 35 metres in breadth. It occupies an area between an existing bowling green and carpark adjacent to the Clonallon Road.

In response to the concerns raised by Planning in terms of the unacceptable impact of the proposed building on the integrity and functioning of the Park and its visual impact, the Agent proposed a number of changes to include:

- A repositioning of the building 11.5 metres to the east to be excavated into a natural slope parallel to the adjacent bowling green;
- A reduction in the height of the 2 storey element to the front of the building from 8.5 m to 7.5 m (0.53m) above FFL(2.5 m under build to the front south side of the building), a reduction in the height of the 2 storey element of the building to the rear from 11.5m to 9 m above FFL and the height of the single storey block from 4.425m to 3.9m (0.53m) above FFL.

Figure 1: Proposed Site Layout.



The proposed internal layout incorporates the following spaces over two levels, (see Appendix 1).

The ground floor comprises: a reception/lobby and office area, main hall (691 m2) and associated store (44.9 m2), Changing area (includes family changing space), 2 external changing rooms with showers and toilets and separate referee changing room, education authority resource room (102.9 m2) with associated office, kitchenette and toilets, children's activity room (63 m2) with associated office, kitchen, toilets and direct access to outdoor terrace (65 m2), sensory room (12 m2), dance studio (49.1 m2), plant room, and internal 'Street' circulation space.

The first floor comprises: a music room (52.3 m2), activity room (52.3 m2), 2 meeting rooms (40.1 & 42.7m2), office space (65.4 m2), kitchen (20.9 m2), advice room (12.8 m2), toilets, circulation

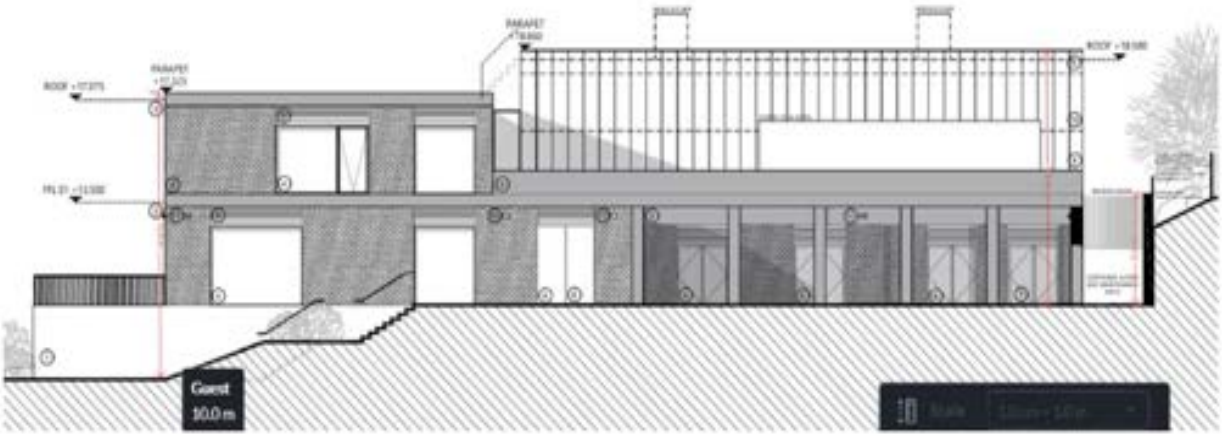
space to include seating and viewing into Main Hall below, and access onto green roof enclosed by a parapet.

In terms of scale and massing, the proposed hub building measures 63m in length, 35m in width and 10m in height above finish ground level (fgl) of the outdoor terrace (2.5m under build to south side). The remote community workshop building measures 7m x 15m x 4.5m high.

The 2-storey element to the rear of the site measures 9 metres above finish floor level (ffl).

The remote community workshop and hub building creates a total frontage of 86.4 metres.

Figure 1 - The southern elevation



The proposed schedule of external finishes includes: concrete base, off white wet cast concrete walls (rough cast,) opaque and translucent polycarbonate to upper floor / parapet roof, glass and steel window and door openings. External finishes incorporated into the hub building comprise a mix of: concrete (building base,) off white wet cast concrete (rough finish) to walls, cast stone, glass, steel doors, translucent and opaque polycarbonate finish to upper section and roofing.

The proposed external layout includes an area of car parking at the building's northern edge, accessed onto Clonallon Road, via an existing access, both of which currently serve Clonallon Park and Bowling Club. The proposed scheme includes 34 marked carparking spaces, 1 set of twin electrical charging points and 16 cycle stands.

The layout includes a 'Health and Wellbeing' garden area at the south facing rear entrance.

A pedestrian walkway is proposed along the edge of the building to the west intended to link the southern portion of Clonallon Park to the carpark and entrance to Clonallon Road. Users of the Park will then cross the car park or an area in front of the proposed building to link with the northern portion of Clonallon Park and the existing Playing Field.

Textured paving is designed at the main front (northern elevation) and rear (southern elevation). An access is proposed along the eastern elevation between the eastern wall of the building and a large retaining wall facilitated by steps and an accessibility access ramp adjacent to the children's terrace.

PLANNING ASSESSMENT OF POLICY AND OTHER MATERIAL CONSIDERATIONS.

Planning Policy Context.

The following planning policy statements are relevant to the proposal;

- The Planning EIA Regulations (NI) 2017,
- The Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015
- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry Mourne and Down Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning Archaeology and the Built Heritage
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS13 – Transportation and Land Use
- PPS15 (Revised) – Planning and Flood Risk
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards
- Living Places - An Urban Stewardship and Design Guide for Northern Ireland
- Creating Places & Living Places Design Guides

Planning History.

- LA07/2022/0552/PAD - 192m north east of 21 Clonallon Road, Warrenpoint, BT34 3RR, Community Facility – PAD CONCLUDED 01.07.2022

- LA07/2019/1033/PAD – Clonallon Park, Warrenpoint - New build Community Hub to accommodate multi-use hall, activity rooms, meeting rooms, office, cafe, kitchen, ancillary accommodation and changing rooms for the nearby sports pitches, PAD CONCLUDED 21.05.2020

- P/1979/1297/F– Clonallon Road, Warrenpoint - Proposed site for youth club, permission refused 28.05.1980 (Reason – A building on the site would be detrimental to the visual amenities of the area in general and the Clonallon Linear Park in particular).

Additional planning records relating to the wider parkland area include:

- LA07/2017/1442/F – Extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding, permission granted 09.11.2017

- P/2005/0657/F – Erection of Changing Facility (Clonallon Bowling Green,) Permission granted 21.06.2005

- P/1983/0647 – Clonallon Road, Warrenpoint – Proposed Playing Field, permission granted 07.09.1983

- P/1975/0468 - Proposed parkland and play areas, permission granted September 1976

Supporting Documents.

The application was supported by the following documents:

- Application Form
- Pre Application Consultation Report
- Archaeological Report
- Biodiversity Checklist and Ecological Statement
- Combined Preliminary Risk Assessment & Preliminary Sources Study Report
- Planning Statement
- Construction Environmental Management Plan
- Design and Access Statement
- Landscape Management & Maintenance Plan
- Noise Impact Statement
- Transport Assessment (Form)
- Full Drawing Pack, inc Site Location Plan, Layout, Floor Plans, Elevations and Sections.

Statutory Consultations.

The following consultations took place to inform the assessment of the application:
NM&DD (Lands Management Team): No objections.
It is noted that within the application the site will retain public access and we have no further comment to make.

NM&DD Local Development Plan Team: The Development Management Team is advised that while the site forms part of an area designated in BNMAP 2015, as being a Major Area of Existing Open Space, it contains no policies in relation to this designation and that Policy OS1 of PPS18 is the relevant policy in relation to the safeguarding of such areas. It should be noted, as highlighted above, that this consultation response is confined to the provisions of the BNMAP 2015 and does not address the need for the proposal to comply with all other material considerations.

Following receipt of amended plans and reports re-consultation with the following consultees took place on the 25 March 2025. The following final responses were considered:

NI Electricity: NIE Networks has no objection. We advise the applicant to continue to liaise with NIE Networks, regarding the proposed equipment within the site.

Dfl Rivers:
FLD1 - Development in Fluvial and Coastal Flood Plains. Rivers Directorate would like to bring it to the attention of the Planning Authority that the summary of the Flood Risk Assessment is that the existing access is affected by the 1 in 100-year fluvial flood plain. The applicant would need to ensure safe access to and egress from the site.
Rivers Directorate, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions. Rivers Directorate cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are "safe". The Planning Authority should make the final decision on whether the flood evacuation plan, the proposed development and the scale of intensification of use are acceptable.

FLD2 - Protection of Flood Defence and Drainage Infrastructure. It is essential that a working strip of minimum width 5m from the top of the bank is retained but up to 10m, where considered necessary. Rivers Directorate notes that Drawing No. WAR-DID-ZZ-ZZ-DR-C-5001 Rev P08 of the Flood Risk & Drainage Assessment appears to comply with this requirement.

FLD3 - Development and Surface Water. The Drainage Assessment states that the drainage design requires further detailed design, therefore Rivers Directorate requests that the Planning Authority includes the following Condition as part of its planning permission if granted.

Condition – Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event including an allowance for climate change and urban creep.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

FLD4 - Artificial Modification of Watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs. Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective.

Historic Environment Division (HED) (Historic Monuments) HED (HM) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

HED (Historic Buildings) has considered the impacts on the adjacent Listed Buildings. The Proposal is sufficiently removed in situation and scale of development so as to have negligible impact upon the setting of the listed assets.

Dfl Roads-
Following confirmation from planning that an additional 90-109 spaces are required. Dfl Roads now considers the application unacceptable as submitted. Insufficient detail is available on transportation issues as highlighted below. Should Planning Service be minded to progress the application towards an approval Dfl Roads require the following points to be addressed:

1. Details to be provided where the additional carparking is to be located as DFI Roads would have concerns how the shortfall could impact on the public road.
2. DFI Roads note use of Primary school car park this would need to be detailed and would ask planning if this is to be allowed should it be within the site outlined in red.

Based on the above being outstanding and request from planning for final substantive comments please see refusal reasons below.

1.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.

2. A further reason should be added for lack of information relating to the outstanding point.

NM&DD (Environmental Health): No objections subject to the following conditions being added to any approval given:

1. Building hours of operation for the public should be Monday to Friday 9:00 – 22:00, Saturday and Sunday 09:00 – 18:00. Staff are permitted to enter the premises at 08:00.

2. No odour abatement systems to be installed without prior approval from planning service.

3. No additional air handling units to be installed outside the fabric of the building apart from those air source heat pumps identified on the roof plan.

4. The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby sensitive receptors.

Loughs Agency: No objection to the proposed development in principle subject to the adoption of the Construction Environmental Management Plan

NI Water (NIW):
NI Water recommend that this application for planning approval should be refused.

Initial Response There is a public foul sewer within 20m of the proposed development boundary. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. Subject to the applicant engaging with NI Water as outlined in this response, NI Water may reconsider its recommendation.

Further consultation with NI Water 25/3/25. NI Water responded with the following:
A Wastewater Impact Assessment was submitted to NIW for this proposal, ref DS77339. A Solution Engineer Report was issued 27th August 2024.

A WWIA is not deemed complete until a solution has been agreed upon and deemed deliverable by both NIW and the developer.

Planning cannot be conditioned until stage 2 of the wastewater impact assessment has been completed and signed off by NI Water with all necessary third-party sign offs in place.
Until this has reached its conclusion, NIW's response will remain the same as that which was issued on 10th October 2023, with the following overall recommendation:
Refusal. Subject to successful discussions and outcomes regarding issues highlighted in the responses below, NI Water may reconsider its recommendation.
NI Water will make contact with the case officer for this proposal, once the Wastewater Impact Assessment has been completed, and is in a position to revise their planning consultation response.

Shared Environmental Services
SES Advice for Planner: Shared Environmental Service (SES), have reviewed the Habitats Regulations Assessment (HRA) dated February 2024 undertaken for this project on behalf of Newry

Mourne and Down District Council. The HRA has not addressed the 'operational phase' issue related to foul sewage as identified in NI Water response dated 10/10/2023 which recommends refusal due to network capacity constraints. Noted that WMU in response dated 29/11/2023 recommend a condition in respect of this.

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

NIW have outlined that the applicant will need to submit an application to NIW for a Waste Water Impact Assessment (WWIA). NIW will assess the proposal to see if an alternative drainage or treatment solution can be agreed. If NIW advise the Planning Case Officer that they are content that the WWTW and associated sewer network for this development can take the additional load, with no adverse effect on the WWTW and sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal.

Regulation Unit (RU), Land & Groundwater Team. No objections provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests. No concerns subject to conditions.

Objections & Representations.

In line with statutory requirements, the application was advertised in Newry Reporter, initially upon receipt and then following the submission of amended plans on 02.08 2023, 03.06.2024 and 09.04.2025.

In line with statutory requirements, neighbouring properties were notified of the application, initially upon receipt and then following the submission of amended plans on 09.10.2023, 03.06.2024 and on 26.3.25.

2 Objections were received which raised the following issues:

- Loss of green space for dog walkers, elderly and wheelchair users;
- Increased dog poo within the town with the loss of green space at Clonallon Park;
- Increased vehicles/traffic;
- Anti-Social Behaviour and noise;
- Consultation with neighbours.

The loss of green space, access to all and increased vehicles/traffic will be considered within the report. Anti-social behaviour and increase littering is outside the remit of planning.
In relation to public consultation, the Planning Department consider that the statutory requirements have been met in relation to Public Advertising and Neighbour notification of the proposed development.

262 letters of support were received, (consisting of 7 individually compose letters from a range of Community Groups and 255 copies of a standard letter signed by 255 individuals from 169 individual addresses). The issues raised are summarised and addressed below as part of the Planning Department's assessment of this application.

Evaluation.

Environmental Impact Assessment (The Planning EIA Regs. (NI) 2017, DCAN 10):

As the development is within Category 10 (b) of Schedule 2 of the above Regulations the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development. An EIA screening determination has been completed and the Council determined, on 23rd November 2023, that any potential environmental impacts are not expected to be significant and can be appropriately dealt with through the normal planning process, including mitigation measures and the imposition of planning conditions, as necessary and as such, an Environmental Statement is not required for this application.

Regional Development Strategy (RDS) 2035:

THE RDS aims to promote development which improves the health and wellbeing of communities. In supporting urban and rural renaissance (Policy RG7,) the RDS places importance in promoting recreational spaces within cities, towns and neighbourhoods. It emphasises the importance of open space, sport and outdoor recreation to health and the environment. It seeks to create healthier living environments and to support healthier lifestyles by facilitating access to a range of opportunities for recreational and cultural activities and by promoting physical recreation as a basis for good health for all.

A number of specific measures are highlighted, including:
• encouraging the protection and enhancement of open spaces and playing facilities for the long-term benefit of the whole community (ENV 6.4);
• recognising the value of 'greenery' including community greenways, woodlands and landscape to health and well-being (ENV 6.4);
• creating and managing green spaces in cities, towns and villages to serve multiple purposes and contribute to distinctive local character (ENV 3.3);
• recognising the contribution which natural and semi-natural habitats can make to the character of urban spaces and promoting measures which will lead to the enhancement of biodiversity and the quality of our lives (ENV 3.3);
• preventing town cramming and seeking the provision of adequate areas of open space, playing facilities, woodland and landscaping within easy walking reach of homes, for physical activity, rest and leisure use, especially in densely populated and disadvantaged communities, and in new developments (ENV 7.1); and
• enhancing the range of sports and leisure facilities enabling accessibility by all citizens (ENV 7.1);

Strategic Planning Policy Statement, 2nd Edition (SPPS):

The SPPS is a material consideration in the assessment of all planning applications and sets out the core planning principles to achieve sustainable development.

The SPPS stresses that the protection of existing quality open space within or close to settlements plays a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity and interaction with others. It states that the regional strategic objectives for open space, sport and outdoor recreation are, amongst other things, to safeguard existing open space and sites identified for future such provision and when decision-taking, planning authorities should contribute positively to health and well-being through safeguarding and facilitating quality open space, sport and outdoor recreation.

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP):

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The site is currently within the remit of the Banbridge, Newry and Mourne Area Plan 2015 as the council has not yet adopted a local development plan. The application site is located within the designated settlement limit of Warrenpoint and also falls within Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). It is one of only 3 areas zoned as a 'Major area of Existing Open Space' (See Map Extracts below).

Figure 2: Development Plan Context.

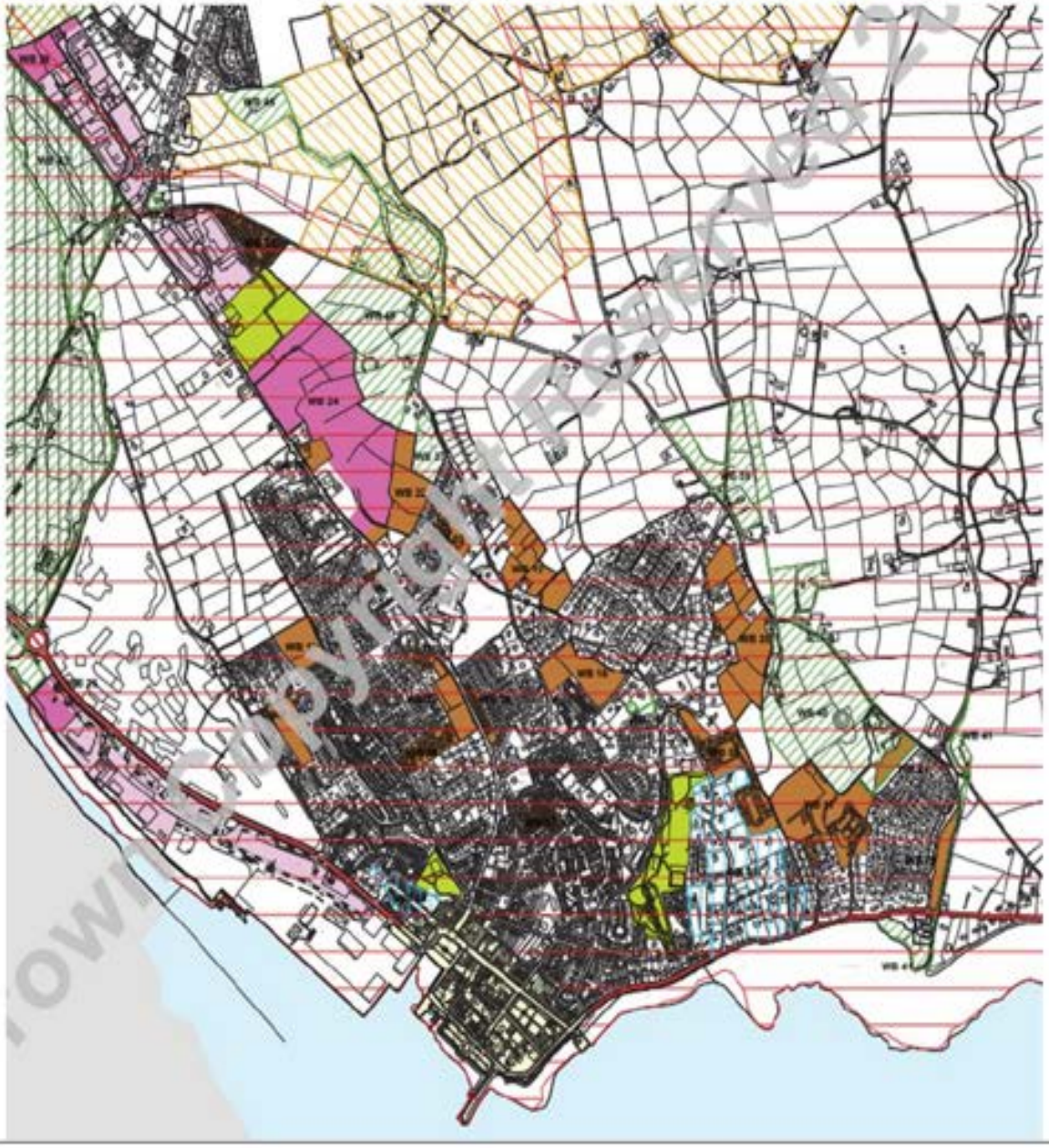


Figure 3: Clonallon Park.



Policy SMT2 of Vol 1 of the BNMAP 2015 deals with development on zoned land. Under this policy, proposals on zoned land will be considered in the context of all prevailing regional planning policy and with any relevant Plan policies and proposals, including where specified, 'Key Site Requirements'. This section of the Plan further notes that 'Major Areas of Existing Open Space' are safeguarded under Policy OS1 of PPS8. The Area Plan directs that Policy OS1 of PPS8 will apply to all areas of existing open space, therefore PPS8 will be critical in determining whether the principle of the proposal is acceptable, in planning policy terms; this is assessed in further detail below.

The Plan identifies 2 major areas of existing open space within the development limits of Warrenpoint.

- Clonallon Park.
- Ringmacilroy Park.

It also refers to a number of major areas of existing open space located in close proximity to the settlement, including Warrenpoint golf course, Donaghaguy Reservoir amenity area, Milltown playing fields and GAA grounds, Moygannon Road.

The Planning Department considers that Clonallon Park is only one of two areas of open space, available to the general public, close to the Town Centre. The remaining areas, as referred to in the Plan, are the preserve of clubs and largely used for sport. The other area, the recently enhanced historic Warrenpoint Park also performs a unique role within Warrenpoint Town Centre ****. Given its size, location and band stand it provides a base for outdoor concerts and events and is conveniently located for car users in addition to the many that visit the Park on foot.

Policy ECU1 of Vol 1 of the Plan is also considered relevant to this proposal. Under this policy, permission will be granted for education, health, community and cultural uses within settlement development limits provided all of the following criteria are met:

- There is no significant detrimental effect on amenity or biodiversity;
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- The proposals are in keeping with the size and character of the settlement and its surroundings;
- Where necessary, additional infrastructure is provided by the developer;
- There are satisfactory access, parking and sewage disposal arrangements.

Planning considers that the Proposal, for the reasons detailed below, would have a significant detrimental impact on the amenity value of the natural environment, (i.e. the zoned area of open space at Clonallon Park), through the introduction of a large building within a key area of the Park which provides opportunities for walking and cycling and other recreational interests and thus contributes to the health and well-being of people living in the urban area. It is further considered that the proposed building, given its size and location, is not in keeping with the size and character of Clonallon Park.

For the valid planning reasons set out above and as also set out under the assessment against the provisions of Planning Policy Statement 8 (PPS8) below, the Planning Department considers that this proposal is unacceptable to the requirements of the Area Plan Policies SMT2 and ECU1 and therefore contrary to the provisions of the statutory Plan for Warrenpoint.

In the context of Policy SMT2 of the BNMAP 2015, additional considerations within this assessment relate to: Impact on the Area of Outstanding Natural Beauty and visual amenity, design, flood risk, drainage, access / road safety, parking provisions, impacts on natural heritage and fisheries, potential for contamination, and utilities / servicing of the proposal, all of which are considered separately below under the relevant material policy considerations.

A Planning Strategy for Rural Northern Ireland (PSRNI) – Policies DES2, SP18:

Policy SP 18 of PSRNI seeks to promote high standards of siting and design within towns and villages whilst **Policy DES2** requires development proposal in towns to make a positive contribution to the townscape and be sensitive to the character of the areas surrounding the site in terms of design, scale and use of materials.

It is the professional view of the Planning Department that the building's siting, together with its overall scale and massing and detailing, is considered to be unsympathetic to the special character of the AONB in general and of the particular locality and would significantly impact on the overall integrity of Clonallon Park. These issues are considered in more detail below.

For reasons outlined above, the Planning Department considers that the proposal is contrary to Policies DES2 and SP18 of PSRNI.

Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation (Policies OS1, OS7)

One of the main objectives of this policy is to 'safeguard existing open space and sites identified for future such provision'. Under Policy OS1 (Protection of Open Space), the Department (now the

Council) will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. There is a clear presumption against the loss of open space within Policy OS 1, and this will apply irrespective of its physical condition and appearance.

Policy OS 1 also states that an exception will be permitted where it is clearly shown that:

- redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space; and
- where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area. Para 5.10 of the policy justification text also further guides that "all proposals for the alternative use of open space will be assessed with regard to their effect on the amenity, character and biodiversity of the area and the wider locality and taking into account the needs of future generations."

In assessing this application, in the context of prevailing planning policy, the Planning Department carefully considered and balanced the need for the proposed community centre and the associated community benefits, at this location, against the impact it would have on a protected area of public open space. This assessment also included the impact of this proposal on current and future generations. As part of its assessment, it considered the supporting information submitted with the application.

Dealing firstly with bullet point one above, As correctly highlighted in the supporting statement and as stated above, PPS 8 Policy OS 1 prohibits the loss of open space irrespective of its condition, but that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. The supporting statement notes that the site is set within a wider parkland area measuring 4.67 ha, which is zoned as 'Major Area of Existing Open Space' in its entirety.

At a number of meetings with the Agent, referenced above, the Planning Department expressed its opposition to the proposal for the reasons outlined above, including the lack of justification for the site selection and why it should be treated as an exception under Policy OS 1. Subsequent to this a large number of a single pre-prepared standard letter of support was received by the Council, details of which are available on the planning portal.

In summary the letter and other correspondence expressed general support for a community hub and raised a number of specific supporting points, including:

- the current open space is considered as having low community value and low usage presently.
- The Park is a source of anti-social activity.
- The Community Hub and use of the lands will add substantial benefit and value to the community.
- The community benefit that the new proposal will bring will far outweigh what currently exists.

The Planning Department has considered these in detail, as part of its assessment of the planning application:

- At the outset, the Planning Department does not dispute the need for a Community Hub; indeed, it is fully supportive of the need for such a facility in Warrenpoint. The range of facilities and the variety of internal open spaces on offer would hugely benefit the local

community. The site-specific need for this proposal at this location, however, must be balanced against the impact it would have on this protected area of open space. On balance the Planning Department considers that its proposed siting, within the main area of designated public open space in Warrenpoint, which is intended to serve the active and passive recreational needs of the present, future, local and wider population is contrary to good planning, for the detailed reasons outlined in this report. The need for an alternative site for this major proposal was raised with the applicant during the assessment process. This was not pursued, with the Planning Department, by the applicant.

- It disagrees that the proposed Community Hub would represent a better use of the Park that 'will far outweigh what currently exists'. Its siting and associated areas of hard standing would have a significant detrimental impact on the Park and significantly detract from its value to the community. The introduction of a building, particularly at this location, would have a detrimental impact on those members of the public who presently and, indeed, will, in the future, use the Park as a place of quiet enjoyment.
- It does not agree that the Park has a low community value and is underutilised; in fact quite the opposite, as witnessed on the ground, by the significant numbers of people who use this facility for active and passive recreation on a daily and weekly basis.
- It does not accept that the Park is a continuous source of anti-social behaviour that would justify its use for a Community Hub. There is no evidence to support this view and the Park is generally used for its intended purpose, a place of quiet enjoyment and recreation.

In summary, while it considered that there is a need for a Community Hub within Warrenpoint Town Centre and this is a material consideration in the assessment of this application, this must be balanced against the need to protect the Clonallon Park for the benefit of present and future generations, from inappropriate development. The Planning Department considers that, on balance the need to protect the Park would outweigh the need for a Community Centre at this specific location. There is no site-specific need for this proposal at this location that would decisively outweigh the loss of the open space; other, more suitable sites should be explored.

Turning now to OS1 bullet point 2 the Planning Department, in assessing any proposal for an alternative use of open space must also have regard to its effect on the amenity, character and biodiversity of the area, in this case Clonallon Park, and the wider locality and taking into account the needs of future generations.

Clonallon Park, in its present form is an attractive urban park, as outlined above. Its users enjoy its open landscaped aspect and its continuous, uninterrupted linear form.

The proposal is to construct a large building within the narrowest part of the Park, a natural 'pinch point'. As previously stated, this area is also the focal point for pedestrian pathways throughout the Park and users currently enjoy uninterrupted access and open views throughout the Park, see Figure 4 below. It is the professional opinion of the Planning Department that the construction of this large building in this strategically important area, as intended, would significantly detract from the overall setting and character of the Park. In contrast to the visually open and continuous linear park that currently exists for users, it would, if developed, effectively sub-divide the Park into 2 parcels, one to the north and one south, as evidenced by Figure 5 and Figure 6 below and on the ground.

Figure 4 Existing Pedestrian Path Network.



Figure 5 Proposed Pedestrian Path Network



It would also significantly interrupt general access throughout the Park. This factor has been acknowledged in the proposed layout design and a revised access arrangement has been proposed involving a pedestrian path flanking the western wall of the building, adjacent to Clonallon Road and across a car park or area of hard standing to the north of the building. It is also intended to provide a pedestrian access between the eastern wall of the building and a large retaining wall, adjacent to the Bowling Green. It is also proposed to provide an internal 'street' within the building.

On balance it is considered that these revised pedestrian arrangements would not compensate for the loss of the existing arrangements and would significantly detract from the amenity and character of the Park and would have a detrimental impact on present and future users of the Park, including pedestrians, joggers, those with mobility issues, cyclists and pet owners. This is due to the fact that:

- The proposed pedestrian path, flanking the western wall of the building and across a car park or area of hard standing to the north of the building, does not provide an appropriate or

quality solution for pedestrians. It is in contrast to the free, open pedestrian access across a green area that currently exists in the Park.

- the proposed access along the eastern wall of the 2-storey building and a high retaining wall, facilitated by steps would create an area of poorly supervised and arguably unusable, wasted space to the rear of the building proposed. This would not represent a user friendly and attractive safe access point and space for those with mobility issues, pedestrians and their pets, cyclists or joggers. It is also in stark contrast to the free, open pedestrian access that currently exists in the Park.
- The proposed enclosed 'internal street' within the building would not represent a user friendly and attractive access point and space, for pedestrians and their pets, who come to Clonallon Park to enjoy it as a public area of open space.

Overall, it is the professional view of the Planning Department that the proposed pedestrian arrangements, which are a response to the impact of this building on existing pedestrian arrangements, would detract from the overall open nature of the Park and, as a result would detract from the enjoyment of the Park by present and future generations.

The proposed building, due to its siting, overall scale, massing and detailing is also considered, by Planning, to be unsympathetic to the character of area and will have an adverse visual impact on the amenity and character of the Park in addition to the AONB. The Agent amended the siting of the building during the processing of the application in response to concerns expressed by the Planning Department. It is now proposed to push the building back 11.5 m into sloping land adjacent to the Bowling Green into what has been termed, by the Agent, as 'unusable open space'. This has necessitated the use of a large retaining wall to create a flat surface for the building footprint. The Planning Department considers that this particular part of the Park contributes to the setting and amenity value of the Park and is used for active and passive recreation purposes. The siting of the building within this area and the use of inappropriate retaining walls would detract from the overall setting and amenity value of the Park.

The Planning Department, in its professional opinion, considers that it has not been demonstrated that the loss of open space, as intended by this proposal, will have no significant detrimental impact on the amenity, character or biodiversity of an area and the wider locality and taking into account the needs of future generations. (see also assessment against Policy NH6 (Areas of Outstanding Natural Beauty below). In this respect the Planning Department shares the concerns raised by objectors.

As referenced within the planning history which is a material consideration for any application these concerns are similar to a previous refusal within Clonallon Park for a Youth Club (see planning history above, P/1979/1927,) which was refused on the basis that a building on that site would be detrimental to the visual amenities of the area in general and the Clonallon Road, Linear Park in particular.

PPS8 Policy OS7 (The Floodlighting of Sports and Outdoor Recreational Facilities)

In terms of lighting, the applicant has submitted a lighting plan. In consultation with Environmental Health, The Planning Department has no concerns in relation to potential impacts on residential amenity, visual amenity or public safety. The proposal is considered acceptable to the requirements of PP8 Policy OS7.

Strategic Planning Policy Statement 2nd Edition (SPPS), Planning Policy Statement 2 (PPS 2) 'Natural Heritage' and Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015)

PPS 2 provides the framework for assessing potential impacts on designated sites, habitats, and species, ensuring that development proposals respect and enhance natural heritage values.

PPS2 Policy NH1

Policy NH 1 of PPS 2 states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or a listed or proposed Ramsar Site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats Regulations (Northern Ireland 1995 (as amended).

A Habitats Regulation Assessment (HRA) screening was completed for the development on 09.10.2023, which identifies a potential hydrological link from the site to Internally Designated Sites within Carlingford Lough (including SAC, SPA and Ramsar) via Clonallon Stream.

Given this, informal consultation has taken place with Shared Environmental Services (SES). SES advised that NMDDC, as the Competent Authority for this application, must undertake as much of the HRA process as is required. A HRA has subsequently been completed and forwarded to SES for their consideration who advise in comments dated 09.04.2024 that having reviewed the Habitats Regulations Assessment (HRA), dated February 2024, the HRA has not addressed the 'operational phase' issue related to foul sewage as identified in NI Water response dated 10/10/2023 which recommends refusal due to network capacity constraints. SES go on to note that WMU in response dated 29/11/2023 recommend a condition in respect of this.

On the basis of this advice, it is considered that subject to necessary conditions being complied with, the proposal would not result in detrimental effects to a designated European site, with the proposal screened out from further Appropriate Assessment.

The Planning Department is content that an Appropriate Assessment has been untaken in line with the requirements of Policy NH 1 of PPS 2.

PPS2 Policy NH2

PPS2 Policy NH2 states planning permission will only be granted for a development proposal that is not likely to harm a European protected species and any other statutorily protected species, and which can be adequately mitigated or compensated against. NED advise, provided conditions are included in any planning approval, it has no concerns regarding impacts on European or other statutorily protected species. The proposal is considered acceptable to Policy NH2.

PPS2 Policy NH3

Policy NH 3 states that a development proposal within an ASSI will only be allowed where it is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest. NED advise a small, modified watercourse drains into Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI) approximately 0.3km downstream. Provided a condition is included in any planning approval requiring submission

and agreement of a final Construction Environmental Management Plan (CEMP), NED has no concerns regarding impacts to designated sites, which is acceptable to Policy NH3 requirements.

PPS2 Policy NH5

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. On the basis of information available and the advice provided by NED, DAERA and Loughs Agency, the proposal is considered acceptable to Policy NH5 requirements.

Policy NH6 (Areas of Outstanding Natural Beauty):

Under this policy, permission will only be granted for a proposal where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

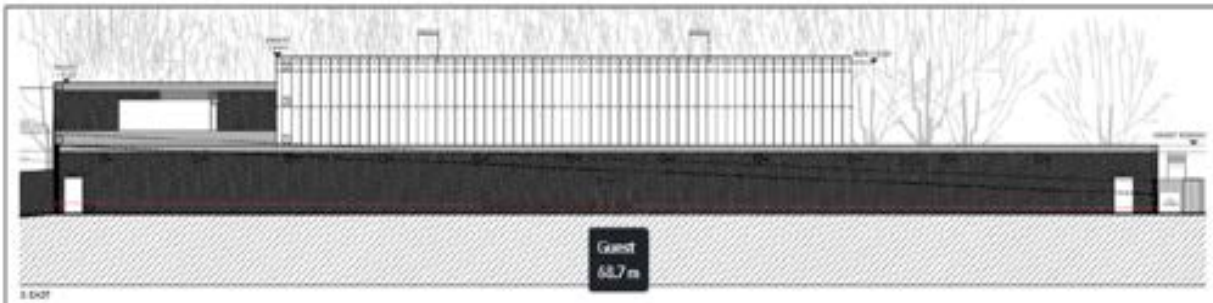
a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality;
b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage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

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

Figure 6: Proposed Siting of Community Building (Supporting Statement).



The Planning Department considers that the proposed building in terms of its siting and overall scale and massing is considered unsympathetic to the special character of the AONB and, in general, that of the particular locality. The scale and massing of the proposed building will appear incongruous within the existing open park and will detract from its unique character. It would also significantly impact on the overall integrity and permeability of Clonallon Park, as referenced above.



The proposed level of ground works required and the construction of a large retaining wall (1-3.9metres in height over a length of 69metres) to site the building within an area of the Park with significant changes in ground level would not respect or conserve the natural landscape which contributes to the important character and appearance of the wider landscape setting.

Overall, whilst the proposal is considered to meet policies NH2, NH3 and NH5 of PPS2, the proposal is considered contrary to Policy NH6 in that the building's siting, together with its overall scale and massing, is considered to be unsympathetic to the special character of the AONB in general and of the particular locality.

Strategic Planning Policy Statement 2nd Edition (SPPS), Planning Policy 3 (PPS 3) 'Access Movement and Parking'. Policy AMP 2 Access to Public Roads, Policy AMP 7 Car Parking and Servicing Arrangements, Policy AMP 8 Cycle Provision

The SPPS and Planning Policy 3 (PPS 3) provides the planning policy context in respect of access and car parking arrangements for development proposals.

Policy AMP 2 of PPS 3 'Access to Public Roads' states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

DfI Roads, in a consultation response dated 07 June 2024, initially confirmed no objections to the proposed access arrangements subject to planning conditions. This was on the basis that Planning 'are satisfied with the proposed car parking on site for this proposal'.

Car parking provision is a matter for the Planning Department to consider as part of its assessment of a planning application. The SPPS states that, in assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment. Policy AMP 7 of PPS 3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

The policy also states that a reduced level of car parking provision may be acceptable in a number of circumstances, including:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking; or
- where shared car parking is a viable option.

The main issues to be considered, as part of the Planning Department's assessment of the future car parking requirement for this proposal, are the existing car parking requirements for the current uses on site together with the future car parking requirement to serve the proposed use.

The existing car park arrangement on site is unmarked. However, an independent assessment commissioned by IDASO Ltd, on behalf of the Applicant, has stated that that it can serve up to 22 car parking spaces.

The applicant has proposed an extension to the current car parking provision to provide a total of 34 no. car parking spaces, including 2 disabled spaces. This would involve an extension of the existing car park into the protected area of open space to the north. The proposed development would provide an additional 12 car parking spaces over what currently exists, see proposed layout below.



As part of its assessment of the planning application and the car parking requirement, the Planning Department reviewed the existing uses within Clonallon Park, the proposed internal layout of the building and the variety of intended uses. It also considered all of the supporting information submitted with the application, including the Design & Access Statement and Transport and Travel Plan.

At present Clonallon Park is used as an area of informal public open space and recreation. It also provides: a formal playing field to the north of the proposed building, which, in line with its designated role, is also used as a public area of open space; a bowling green; basketball court; and formal play area. Considering the nature of the current uses, the existing car parking requirement is as follows:

- **Existing wider public parkland area measuring 4.67 ha.** In line with the published standards, there is a requirement of 4 spaces per hectare of public open space, therefore **19** no. car parking spaces is required for Clonallon Park.

- **Formal Playing Field & Basketball Court.** The football pitch, based on 22 players, a referee and an average estimate of 10 spectators, and the basketball court with 10 players will require a maximum **14** no. car parking spaces, (based on 1 space per 3 players and 1 space per 3 spectators).

- **Bowling Green.** There is an unmarked parking space available within its existing site boundary to cater for an estimated 5 cars. The Bowling Green relies, primarily, on the adjacent public car parking during the season which generally runs from easter to September. The Bowling Green, at capacity with 48 players, will require a maximum of 16 spaces, based on 1 space per 3 players. 1 space is also required per 3 spectators. Discounting the estimated 5 available spaces within the site this would mean a net requirement of **11** spaces on the public car park.

The existing development within Clonallon Park, when applying the standards, would, therefore, be expected to provide a need for **44** no. car parking spaces. This results in a deficit of 22 spaces when compared to the current provision on site, (22 spaces).

It is acknowledged, with the exception of the peak periods, including weekends, that all of the existing facilities within the Park may not be in use simultaneously, and there will be times when the car parking is not used to full capacity. Conversely there are occasions, at peak levels of usage, when the car park will be full and cars will encroach onto Clonallon Road.

At a general level it is clear that the existing car parking provision is required to service existing uses within Clonallon Park. The proposed Community Hub, which, as stated in supporting documents, will increase the level of usage of the Park. It follows, therefore, that there will be a requirement for additional car parking spaces to serve both the existing uses and the proposed development. This is discussed in more detail below.

Turning now to the proposed development and the associated future parking requirement. Based on the proposed layout plans, the main uses in the building, (in bold) are as follows:

Ground Floor: a reception/lobby, office area, main hall (691 m2) and associated store (44.9 m2), **Changing area** (includes family changing space), **2 external changing rooms separate**

referee changing room, education authority resource room (102.9 m2) with associated office, kitchenette and toilets, **children's activity room (63 m2) with associated office,** kitchen, toilets outdoor terrace (65 m2), **sensory room (12 m2), dance studio (49.1 m2),** plant room, and internal 'Street' circulation space.

First Floor: a music room (52.3 m2), activity room (52.3 m2), 2 meeting rooms (40.1 & 42.7m2), office space (65.4 m2), kitchen (20.9 m2), **advice room (12.8 m2),** toilets, circulation space to include seating and viewing into Main Hall below, and access onto green roof enclosed by a parapet.

As part of the supporting information, the applicant has identified the proposed uses within the building and provided a Potential Events Timetable, (see below).

Appendix 1: Potential Events Timetable

Potential usage of Warrenpoint CC

	Main hall	A/R 1(PG)	A/R 2	A/R 3	EA	Dry changing room	Meeting 1	Meeting 2	Offices	Total Max Usage	Average Usage P/Hr	Spaces required
Mon 9-1	15	24	12						2	53	14	18
1-6	25	24		6	15		5	5	2	82	17	27
6-10	40/50		10		30				2	87	22	29
Tues 9-1	40	24	12						2	78	20	26
1-6		24		6	15		5	5		55	11	18
6-10	40/50				30				2	77	20	25
Wed 9-1	15	24	12						2	53	14	18
1-6	25	24		6	15		5	5		80	16	27
6-10	40/50		10		30				2	87	21	29
Thurs 9-1	15	24	12						2	53	14	18
1-6		24		6	15		5	5	2	57	12	19
6-10	40/50				30				2	77	20	25
Fri 9-1	15	24	12						2	53	14	18
1-6		24		6	15		5	5	2	57	12	19
6-10	40/50				30				2	77	20	25
Sat 9-1	40					30			2	72	18	
1-6	40		12						2	54	11	24
6-10												18
Sun 9-1						30				30	8	10
1-6	40									40	8	13
6-10												

The Planning Department used this as an initial basis to calculate the number of car parking spaces required at each interval, daily, based on the current parking standards, as outlined in red.

The proposal description is for the development of new 2-Storey community facility building and outdoor space to include children's terrace, community garden workshop, bin store area, hard and soft landscaped areas, street furniture, cycle parking, car parking, external lighting and new pathways connecting to the existing pedestrian network. Replacement of existing play park with 'health and wellbeing garden'. While the reference to the 'new 2-Storey community facility building' does not specify all of the intended uses, it is entirely appropriate to rely, as stated by the Agent, on Class D1(c) of the Planning (Use Classes) Order (NI) 2015, which defines a community centre as "premises used by residents of a particular neighbourhood for social and recreational purposes" (interpretation).

It was on this basis that the Planning Department assessed the future car parking requirements for the proposed community hub. In addition to the other identified uses within the proposed internal

drawings, it included the future use of the main hall as a 250-seater venue for community concerts. This was based on the proposed scale of the building, supporting information, earlier discussions with the agent during the assessment of the application and the identified need for such a facility during prior public consultation and referenced in expressions of support for a community hub for Warrenpoint. Upon review of the proposed development the Planning Department considered, given the proposal description as a community centre, that the main hall could facilitate large scale seated events (up to 250) within the space provided. This would mean a requirement of 83 no. car parking spaces when applying the parking standards, (1 space per 3 seats).

Using all of the above information, it was considered that the no. of car parking spaces expected to be provided for this development, ranges from 93- 112, (based on the lowest level of usage 10 spaces to the maximum level of usage 29). In total, with the existing development the parking standards expected for this development should range from 124- 143 no. car parking spaces. A shortfall ranging between 90- 109 no. car parking spaces.

The Planning Department advised the Agent that additional details were required to fully demonstrate parking for the maximum capacity of the site and how this can be facilitated. In response to this assessment, the Agent confirmed in correspondence it is now no longer intended to provide a performance space within the main building or to allow concerts or other performances.

The Planning Department, having read the DFI Roads consultation response dated 7 June 2024, (i.e. that its recommendation of no objection was on the basis that Planning 'are satisfied with the proposed car parking on site for this proposal'), advised DFI of its concerns that sufficient car parking was not being provided to serve the proposed development. In its response, dated 19th January 2026. DfI stated that, following confirmation from planning that an additional 90-120 spaces are required, DfI Roads now considers the application unacceptable as submitted.

In a further rebuttal letter in response DfI Roads, dated 29 January 2026, which dealt mainly with the future car parking requirement for the Community Centre, the Agent, on behalf of the Council, stated that:

- as there is no specific parking standard for community centres within the published DoE Parking standards, it is appropriate to assess the development as a sui generis sports/leisure facility for parking purposes.
- the Community Centre is designed to accommodate a maximum of 22 users and 5 staff members on site at any one time.
- 'there is **no intention** for the hall to be used for large-scale seated events, concerts or performances of this nature. While reference to a 250-person capacity was included in an early 2018 business case, this requirement was ruled out at an early stage in the design process. **The hall is intended for day-to-day community activities such as yoga and pilates classes, Slimming World meetings, dance classes, indoor football training, indoor bowls, martial arts classes and children's parties.** These activities are wholly consistent with the planning definition of a community centre and the application of sui generis sports/leisure parking standards, as set out in Table 1, is therefore entirely appropriate.

  The Agent also proposed the use of a planning condition restricting the future use of the community hall to rule out its use as a place of **assembly and leisure,** as defined by the Use Classes Order Class D2 Assembly and Leisure, i.e. as a theatre, cinema, concert hall, dance hall and bingo hall, as follow:

"The community centre hereby approved shall be used only for community, educational, cultural and recreational purposes and for no other purpose (including any purpose within Class D2 Assembly and Leisure) of the Planning (Use Classes) Order (NI) 2015, without the prior written consent of the Local Planning Authority. The multi-purpose hall shall accommodate no more than 22no. users during any one session.

Reason: To ensure that the facility is used in a manner compatible with the character of the surrounding area and to protect residential amenity and road safety."

This condition would address the primary concern underpinning the Planning Authority's parking assessment and would ensure that the onerous requirement for 84 spaces would no longer apply to the current planning application.

- We also strongly disagree with the application of additional parking standards to each individual room within the building. The proposed development is a modestly scaled operational community facility intended for everyday local use. Assessing the building as a single sui generis leisure use is entirely appropriate and accurately reflects its function, as set out in the Proposed Facility Usage Plan.'

The Planning Department has carefully considered this supporting statement and detail as part of its assessment of the planning application. Notwithstanding the potential capacity of the main building, given its design and scale, (and used in conjunction with the many smaller rooms), to host large internal events, and the strong community support for this aspect of the community hub proposal, the Planning Department is guided by the Agent's commitment, on behalf of the Council, that there is '**no intention** for the hall to be used for large-scale seated events, concerts or performances of this nature'. It also accepts the agent's proposal to strictly limit the future use of the community hub by way of a planning condition to exclude such large-scale community events i.e. as defined in Class D2 Assembly and Leisure, i.e. as a theatre, cinema, concert hall, dance hall, bingo hall. It has revised its assessment of future car parking requirement accordingly.

- Current provision of **22** unmarked spaces
- Proposed extension of existing car park to provide **44** car parking spaces, (a deficit of 22 spaces.)
- Existing use requirement: **44** no. car parking spaces, (Open Space, Football/Basket Ball Pitch and Bowling Green).
- Future car parking requirement, based on (Agent's Potential Events Timetable): **10** spaces (based on the lowest interval level of usage) to **29**, (based on maximum interval level of usage).
- In total, the parking standards expected for this development should range from **55** spaces (based on the lowest level of usage) to **73**, (based on maximum level of usage 29). This amounts to a shortfall of between **33- 51** spaces.

It is considered that this would represent the absolute minimal car parking requirement given the size and scale of this proposed community facility and its edge of town location.

It is also considered that while there is a deficiency in the published Car Parking Standards in respect of community centres, Planning must ensure that levels of car parking in this case are appropriate to meet demand for a "premises used by residents of a particular neighbourhood for social and recreational purposes".

The Planning Department is concerned about the reference, in the supporting statement, that 'the Community Centre is designed to accommodate a maximum of 22 users and 5 staff members on site at any one time'. Given the nature of the identified community need, the scale of the building and the anticipated demand for the facilities, it would be extremely difficult to control the timing of events to ensure that no more than 27 people can occupy this building at one time. This will have implications on future car parking usage.

As referenced above both the SPPS and Policy AMP 7 of PPS 3, a reduced level of car parking provision may be acceptable in certain circumstances: where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or where the development is in a highly accessible location well served by public transport; or where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or where shared car parking is a viable option.

The applicant has provided the following justification in support of the application:

- Although there are no nearby National Cycle Network routes, cycling to and from the site is encouraged with the provision of 16 cycle parking spaces provided through 8No. Sheffield stands. This is in line with Councils Active Travel Masterplan.

- Existing footways are located along both sides of Clonallon Road providing connectivity to Warrenpoint town centre. Although there are no designated pedestrian crossing points along Clonallon Road, the traffic calming features along the road ensure traffic speeds are maintained within the 30mph designated speed limit to aid pedestrian crossing movements. Additionally, drop kerb crossings and dedicated pedestrian paths are provided throughout the proposed car parking layout connecting to Clonallon Road and the proposed Community Facility building to ensure pedestrians may travel to and from the site safely.

- Bus services to the site. Warrenpoint benefits from a bus stop at Warrenpoint Square (inbound and outbound) located within a 10-minute walk (800m). There are 2 bus services that service the Warrenpoint Square bus-stop, the 39 and 39f. In total, 42 bus services are accessible to the proposed development on a typical weekday, 20 on a Saturday and 10 on a Sunday.

- St Dallan's Primary School which is located a short walking distance of 233m across the Clonallon Road, have pledged their support of the development and have agreed to provide the school car park as an overflow car park for the facility.

The Planning Department has considered the supporting statements submitted by the Agent. It is considered that:

- It has not been demonstrated that the proposal forms part of a package of measures to promote alternative transport modes to compensate for the deficiency in the car parking provision. While the provision of 16 cycle parking spaces is welcomed, this in itself would not be sufficient to achieve an appropriate level of alternative transport modes.

- Clonallon Park is an Edge of Centre facility. While a considerable number of users arrive on foot, the majority are car borne. It is too far removed from the Centre to suggest it is accessible by foot. It cannot be regarded as a highly accessible location, particularly when compared to alternative Town Centre sites, nor is it served, directly, by a frequent or regular

bus service. The Town Centre bus stops, referred to by the Agent, are too far removed from Clonallon Park to benefit the future use of the Community Hub and the Groups that have expressed support for the proposal. The Planning Department considers that the majority of users will access the proposed Community Hub by Car. While the road safety and accessibility measures for cyclists and pedestrians are welcome, these are standard measures for all new developments and this would not go far enough to encourage alternative transport modes.

- While it is now acknowledged that the Agent has stated that it is no longer intended to pursue St Dallan's Primary School car park as a source of car parking it should be clarified that this would not be a viable option for a number of reasons.

    - It is too far removed from the site and must be accessed across a public road;
    - The car park is largely in use during the day and would not be available to users of the Community Hub.
    - The Principal of St Dallan's confirmed, in a letter, dated 1 May 2024, that the Trustee of St Dallan's has agreed that the school car park can be used to provide overflow car parking by NM&DDC as required by mutual agreement on condition that the trustee is indemnified against damage to the School grounds, damage to vehicles using the car parking space and injury to any person while on school grounds. The Planning Department is not aware of any such legal agreement between the Council and St Dallan's nor is there any stated intention to engage in any such Planning Agreement. In these circumstances, the Planning Department can only attach limited weight to the Agent's suggestion that St Dallan's car park will be available to serve the proposed Community Hub. In any event it would be required to provide more than 'overflow' parking and the Planning Department does not consider that it is not a viable option to serve the proposed Community Hub, for the stated reasons.

In summary, the Planning Department considers that, given its location away from the Town Centre and the main population nodes, the majority of users will access the facility by car. It is also considered that, given the size of the building, the wide range of intended uses, in addition to those existing, that the proposed level of car parking is insufficient to service the site. The proposal is contrary to the policy provisions of Policy AMP 7 of PPS 3.

Planning considers that the level of car parking proposed would be insufficient to meet future demand. Any future extension of the proposed car parking arrangements would also lead to a further erosion of the existing area of protected open space, contrary to Policy OS1 of PPS 8.

Strategic Planning Policy Statement 2nd Edition (SPPS), Planning Policy Statement 6 (PPS 6) – Archaeology and Built Heritage:

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

Land Contamination:

A Preliminary Risk Assessment (PRA) report has been provided by Design ID Ltd in support of this application. Regulation Unit (RU), Land & Groundwater Team confirmed that Design ID identify low risks to the water environment and recommend that no further investigation is required. Regulation

Unit (RU), Land & Groundwater Team has no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Strategic Planning Policy Statement (SPPS), Planning Policy Statement 15, PPS15 (Revised) – Flooding / Drainage:

DFI Rivers has confirmed no objections subject to the following:

Rivers Directorate acknowledges receipt of the Revised Flood Risk & Drainage Assessment from Design ID dated 20th March 2025 and the letter from Design ID dated 23rd February 2024.

FLD1 - Development in Fluvial and Coastal Flood Plains

No objections. The Revised Flood Risk Assessment, notes that the existing access is affected by the 1 in 100 year fluvial flood plain and the applicant would need to ensure safe access to and egress from site. It has no reason to disagree with the findings of the FRA. Rivers Directorate cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are "safe". The onus is on the developer to ensure safe access to and egress from the site, however the Planning Authority can reinforce this responsibility by virtue of an informative.

FLD2 - Protection of Flood Defence and Drainage Infrastructure
No objections. The site is bounded at the west by a watercourse. It is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Directorate, other statutory undertaker or the riparian landowners. A working strip is shown on Drawing No. 5001 Rev P08 of the Flood Risk & Drainage Assessment which complies with this requirement.

FLD3 - Development and Surface Water
The submitted Drainage Assessment states that the drainage design requires further detailed design, therefore Rivers Directorate requests that the Planning Authority includes the following Condition as part of its planning permission if granted.

Condition – Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event including an allowance for climate change and urban creep.
Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

FLD4 - Artificial Modification of Watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs
No objection from a reservoir flood risk perspective.

Flood Risk and Climate Change considerations:
Rivers Directorate advises that the existing access road and areas at the west of the site lie within the 1 in 100 year fluvial climate change flood plain (Q100CC).

The Planning Authority consider the application to meet the exceptions test to Policy FLD1 (undefended area) f):"The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children."

Overall, subject to the necessary conditions being complied with, the proposal is acceptable to PPS15 (as revised) policy requirements.

Water/ Sewerage:

The proposal seeks to connect to mains public water supply and foul drainage network. Northern Ireland Water (NIW) confirmed that there is a public water main within 20m of the proposed development boundary which can adequately service the proposal. An application to NI Water is required to obtain approval to connect.

NIW also advise that whilst there is a public foul sewer within 20m of the development and available capacity at the receiving Wastewater Treatment Works, an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NIW is recommending connections to the public sewerage system are curtailed, and as such, recommend refusal of the proposal. The Applicant is advised to consult directly with NIW. The applicant will need to submit an application to NIW for a Wastewater Impact Assessment. NIW will assess the proposal to see if an alternative drainage or treatment solution can be agreed. Subject to successful outcome and subject to reconsultation, NI Water may reconsider its recommendation.

In response to this advice, the agent applied for a Wastewater Impact Assessment directly to NIW in March 2024. NIW responded to state that a Wastewater Impact Assessment was submitted to NIW for this proposal, ref DS77339. A Solution Engineer Report was issued 27th August 2024. A WWIA is not deemed complete until a solution has been agreed upon and deemed deliverable by both NIW and the developer.

In these circumstances the applicant has engaged with NIW to provide a solution to existing network capacity issues in the area through the submission of a Wastewater Impact Assessment. In line with current and agreed standard practice the Planning Department can recommend approval for the proposed development subject to the necessary pre-commencement planning condition to ensure that no development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to Discharge has been granted under the terms of the Water (NI) Order 1999. This is to ensure both the protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

Water Management Unit

Water Management Unit, in its consultation response confirmed that it is concerned that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Warrenpoint Wastewater Treatment Works (WWTW). It would therefore recommend that the Planning Case Officer consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded.

WMU stated that if NIW advise the Planning Case Officer that they are content that the WWTW and associated sewer network for this development can take the additional load, with no adverse effect on the WWTW and sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. If NIW advise it is not possible to connect the proposed development, then alternative arrangements will be required and NIEA discharge consent issued under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the development (e.g. from any sewage treatment plants associated with this proposal). Water Management Unit recommends that no development should take place on-site until the method of effluent disposal has been agreed in writing with Northern Ireland Water (NIW) or consent to discharge has been granted.

As outlined above, in line with In line with current and agreed standard practice, the Planning Department in the event of a recommendation to approve would suggest the use of a pre-commencement planning condition to ensure that no development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to Discharge has been granted under the terms of the Water (NI) Order 1999. This is to ensure both the protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

Shared Environmental Service (SES)

In its consultation response, Shared Environmental Service (SES), stated it has reviewed the Habitats Regulations Assessment (HRA) dated February 2024 undertaken for this project on behalf of Newry Mourne and Down District Council. The HRA has not addressed the 'operational phase' issue related to foul sewage as identified in NI Water response dated 10/10/2023 which recommends refusal due to network capacity constraints. It noted that WMU in response dated 29/11/2023 recommend a condition in respect of this. The Planning Department in the event of a recommendation to approve suggest the use of a pre-commencement planning condition - no development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to Discharge has been granted under the terms of the Water (NI) Order 1999.

Neighbour Notification Checked Yes

Summary of Recommendation

For reasons outlined in the detailed assessment above, the Planning Department considers that the proposed long-term loss of this protected open space is unacceptable. It would compromise the Area Plan intentions for this area of zoned area of open space. It would have a detrimental impact on its amenity, character and the recreational needs of present and future generations. To enable development on this zoning, would lead to the incremental loss of a significant area of protected open space and insufficient provision has also been made for car parking to cater for the proposed development.

Unlike the other areas of open space, it is the professional opinion of the Planning Department that Clonallon Park is the only substantial, designated and protected public open space area available, in Warrenpoint, to meet the general active and passive recreational needs of the urban population in an Edge of Town location. Planning considers that this role is hugely significant, in the context of

prevailing planning policy, and should be protected given the fact that the existing areas of open space serve a population of 10,000 in Warrenpoint.

All material considerations have been considered as part of the assessment including the objector's concerns, the letters of support and the agent's case, including all supporting information. On balance, it is concluded that the proposal would result in the loss of open space and it has not been demonstrated that the proposal would bring substantial community benefits that decisively outweigh the loss of the open space.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for NI 2nd Edition (SPPS), Policy SMT2 of Vol 1 of the Banbridge, Newry and Mourne Area Plan 2015 and Policy OS 1 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that the development, if permitted, would result in the loss of open space and it has not been demonstrated that the proposal is an exception to the policy in that it has not been clearly shown that the proposal will bring substantial community benefits that decisively outweigh the loss of the open space or will have no significant detrimental impact on the amenity and character of the immediate area

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy ECU1 of the Banbridge, Newry and Mourne Area Plan 2015 in that

   - the development would, if permitted, have a significant detrimental effect on the amenity of Clonallon Park.

   - the proposed development would, if permitted, prejudice the comprehensive development of the zoning defined as a Major Area of Open Space.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policies SP18/DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its inappropriate land use which will adversely alter the character of the area, siting, scale and massing which are out of character of the area.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Planning Policy Statement 2, Natural Heritage, Policy NH 6, in that:

   - the siting and scale of the proposal is not sympathetic to the special character of the Mournes Area of Outstanding Natural Beauty in general and of the particular locality.

   - it fails to respect or conserve features of importance to the character and appearance of the landscape.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and 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:

   - parking
   - turning
   - loading and unloading

   of vehicles which would be attracted to the site.

Case Officer Signature: Joanne McVeigh

Date:

Appointed Officer Signature: Patricia Manley

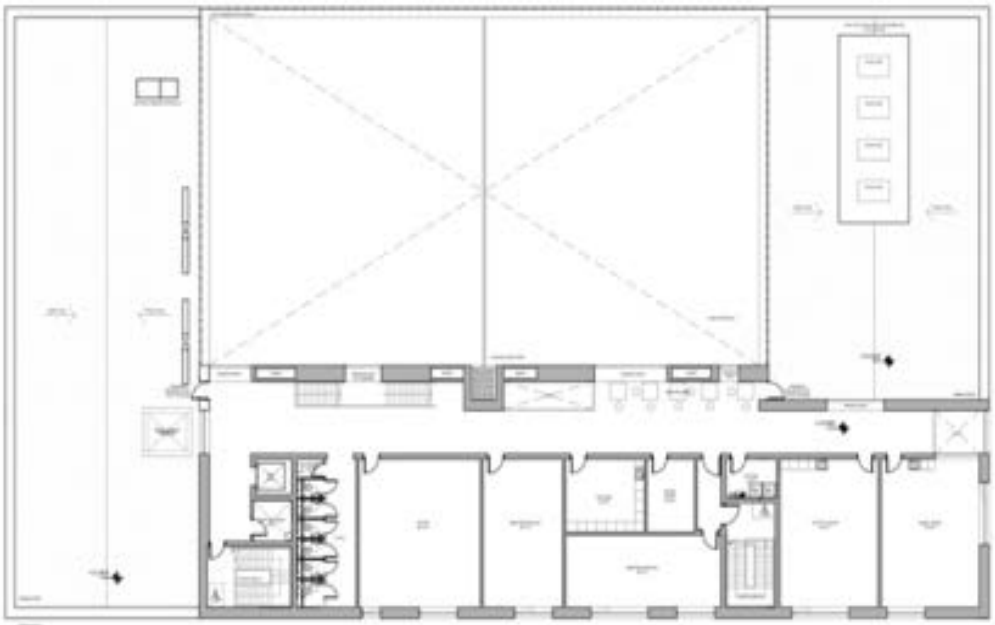
Date:

Appendix 1. Floor Plans.

Ground Floor.



First Floor





Resolve Planning

Newry, Mourne and Down District Council Planning Committee

25th February 2026

Item 13.0 Application LA07/2023/2965/F: Development of Community Facility Building, Clonallon Road, Warrenpoint

SARAH MCDOWELL (RESOLVE PLANNING) SPEAKING NOTES

Thank you, Chair, and good morning/afternoon Members.

I'm Sarah McDowell from Resolve Planning, agent for this application. With me today are Andrew Patterson, Councils Director of Active and Healthy Communities and members of the design team.

Submitted in June 23, this application is before you with refusal reasons raising three issues relating to loss of open space, design and parking. I will go through these shortly.

This proposed building and associated outdoor space represents a major investment of around £7.4 million in Council facilities and will provide a modern and welcoming environment for members of the public, staff, and visitors. The decision for the applicant to pursue with this proposal on this site is a result of significant public consultation and feasibility exercises in 2018 and 2021. The latter of which identified need by the local community for the proposed building and outdoor areas, we are seeking permission for. The scheme as proposed is overwhelmingly supported by the local residents and stakeholders. During the pre-application consultation in 2022, the digital website was visited by 673 unique visitors and of respondents those who chose to make comment, almost 80% were supportive of the proposal. Members of the public continue to actively endorse the proposed centre during planning with 262 letters uploaded, affirming the continued support of the centre at Clonallon Park.

Once constructed, this development will bring substantial community benefits. These include:

1. Family and child friendly facilities, including a sensory room, crèche/children's activity room with direct access onto an outdoor terrace
2. Social and community benefits such as spaces for residents and local groups to gather together with programmes aimed at bringing young and older generations together for shared experiences
3. Health and wellbeing benefits, including fitness programmes, youth and support groups, a dance studio and a 'health and wellbeing' garden area;
4. Arts, culture, and heritage creative workshop areas;
5. Environmental and sustainability initiatives, including community garden, landscaped green spaces and welcoming outdoor planted social amenity areas

During the 30-month planning process, the design team have responded to all queries formally raised by statutory consultees. Remaining matters in relation to open space, design, and car parking sourced from the Planning Department have been formally addressed in our correspondence dated June 25 and January 26. I hope Members have had time to review these detailed submissions, as they will assist with later discussions.

I now turn to the refusal reasons.

Reason 1 – Loss of Open Space

Our June 25 letter set out clear evidence demonstrating that the community benefits of the proposal considerably outweigh the minimal loss of open space, which is limited to a decrease of only 6.2%. We consider that Policy OS1 is met.

Reason 2 – Detrimental Impact on Park

Associate Consultants:
Damien McLoughlin, BSc (Hons), Dip TP, MRTPI
Sarah McDowell, MA, MSc, MRTPI
Alice Gallagher, BSc (Hons), MSc, MRTPI

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RTPI Chartered

It is our position that the proposal retains and enhances the vast majority of Clonallon Park. In addition to delivering a community building, the proposal will enhance the Park through the introduction of:

1. Textured, illuminated piazza areas
2. Public illuminated pathways around the building which connect to the existing path network;
3. Improvement of a steep section of the existing pathway, making it more accessible for less abled users; and
4. Retention of existing grassed areas around the site as well as new well designed landscaped areas

The proposal is designed to link to an improve the Parks pathway network by creating an additional 275m of pathway within the park. Combined with the building being constructed on a 'less useable' sloped area of the park, it should be considered that there is no detrimental effect nor prejudice on the amenity the Park. Policy ECU 1 points 1 and 2 are met.

Reasons 3 and 4 – Character of the Area

Members are respectfully referred to Table 2 of our June 25 letter. It is considered that the scale and position of the proposal is appropriate within this urban park, located close to existing houses and bowling green. It is respective of the heights of existing buildings and does not break the skyline nor does it interfere with views into or out of the AONB. The proposal is not detrimental to the character of the area.

Reason 5 - Parking

Firstly, we welcome planners' recent reassessment of the required parking provision. However, even with the application of the suggested condition limiting use of the main hall, we consider that the suggested requirement of up to 73 spaces remains a significant overestimation. The proposed provision of 34 spaces is acceptable for the following reasons:

1. We consider that the level of proposed parking is entirely in line with the scale of the development at this location and we disagree with the planners' calculation methodology.
2. The site is inside the Warrenpoint town development limit and is located in a busy suburban area. Its location means that there is expected to be fewer vehicle trips and well above average pedestrian use.
3. The existing car park is already significantly underutilised.

For all of these reasons, we consider that the proposal will 'not prejudice the safety and convenience of road users' due to parking provision.

Conclusion

In conclusion, the planning proposal before you today is consistent with planning policies. We strongly refute the refusal reasons and submit to Members that, having regard to material planning considerations, this proposal satisfies all relevant planning policy.

This is a progressive, healthy, and well-designed sustainable development that will provide substantial social, environmental, and community benefits for the residents of Warrenpoint. We therefore respectfully request that the Committee approve this application, contrary to the Planning Officers' recommendation.

Committee Report

Development Management Officer Report	
Case Officer: Karen Reid	
Application ID: LA07/2023/3341/F	**Target Date:**
Proposal: Proposed Dwelling	**Location:** 22m East of No 16 Chancellors Hall, Newry
Applicant Name and Address: Glyn Mitchell 63 Newry Road Rathfriland	**Agent Name and Address:** Glyn Mitchell 63 Newry Road Rathfriland
Date of last Neighbour Notification:	25 March 2024
Date of Press Advertisement:	15 November 2023
EIA Determination:	

Consultations:

- NI Water - Refusal – Approved with standard planning conditions and response specific conditions.
- DFI Roads – No objections to the proposal subject to planning conditions.
- NIEA – WMU – Refer the Planning Authority to DAERA Standing Advice – Single Dwellings.

Representations:

Twenty-one letters of objections were received from individual objectors between the 22nd of March 2024 and the 27th of March 2024. One petition was also received with 65 signatures.

Letters of Support	0.0
Letters of Objection	21
Petitions	1
Signatures	65
Number of Petitions of Objection and signatures	1 65

Summary of Issues:

The letters of objection received by the department raised a number of concerns with the proposed development. These points will be considered further in the assessment of the application below.

Site Visit Report

Site Location Plan:





Date of Site Visit: 21/08/2024

Site Characteristics & Area Characteristics:

The site is located within the settlement development limits of Newry City as defined within the Banbridge, Newry and Mourne Area Plan 2015. The application site also falls within two areas zoned for housing NY 26 & NY24.

The application site is an area of vacant land positioned on the edge of the public road at the entrance to the Chancellors Hall housing development. The site is surrounded by existing residential properties, the site sits at the same ground level as the properties within Chancellors Hall to the north and west. The dwellings to the south and east sit at a lower level and form part of another housing development known as Heslips Court. The site has a timber fence along the northern boundary with Nos 1, 3 and 5 Chancellors Hall, the remaining boundaries are defined by metal fencing, the fencing along the southern and eastern boundaries are set on retaining walls. As stated, the site is located within a residential area made up of differing house types and positioned at different ground levels given the topography of the site.





Description of Proposal
Proposed Dwelling

Planning Policy & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 – Access, Movement and Parking
- DCAN 15 – Vehicular Access Standards
- Parking Standards
- Planning Policy Statement 6 – Planning, Archaeology and Built Heritage
- Planning Policy Statement 7 – Quality Residential Environments
- Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 – Housing in Settlements
- Creating Places

Planning History:
Planning Reference: LA07/2023/2354/CLEUD
Proposal: Retaining wall along eastern and southern boundaries, fencing along northern, eastern and southern boundaries and infilling of site.
Decision: Approved

Planning Reference: LA07/2017/0402/F
Proposal: Proposed 2 storey dwelling
Decision: Appeal Withdrawn

Planning Reference: LA07/2017/1316/F
Proposal: Retention of retaining wall and raised land and erection of dwelling (Amended Proposal)
Decision: Appeal Dismissed

Planning Reference: LA07/2015/0402/F
Proposal: Proposed erection of dwelling
Decision: Refusal

Planning Reference: P/2014/0882/F
Proposal: Erection of residential development and associated works (comprising amendments to previously approved scheme under File Ref. P/2003/2632/F (allowed on appeal under PAC Ref. 2003/A493) and subsequent revisions under File Refs. P/2008/1535/F and File Ref. P/2010/0162/F involving amended layout and house-types at Sites 48, 48a, 49, 50, 51, 52, 53, 54, 112 and 113)
Decision: Approved

Planning Reference: P/2014/0099/F
Proposal: Erection of housing development comprising 2 detached dwellings and 28 semidetached dwellings (revised scheme to that previously allowed on appeal under PAC Ref 2007/AO293 (File Ref. P/2006/1948/F) with access point and road layout to remain as previously approved).
Decision: Approved

Consultations:

- NI Water - Refusal – Approved with standard planning conditions and response specific conditions.
- DFI Roads – No objections to the proposal subject to planning conditions.
- NIEA – WMU – Refer the Planning Authority to DAERA Standing Advice – Single Dwellings.

Objections & Representations:

Eight neighbours were notified of the proposal on the 10th of March 2024. The proposal was also advertised in the local press on the 14th and 15th of November 2023. Twenty-one letters of objection have been received and one petition with 65 signatures.

Correspondence with Agent / Applicant:

A number of emails were issued to the agent over the course of determining this application advising of consultee responses requesting further information. Following a review of the case and discussion at an internal meeting, an email was issued to the Agent on the 1st of September 2025 setting out that the proposal was considered contrary to criteria (a) and (h) of Policy QD1 of PPS 7 and criteria (b) of Policy LC1 of the aPPS 7 and that the proposal would be recommended for refusal. A response to these comments was received from the Agent on the 17th of December 2025. This has been considered by the department.

Consideration and Assessment:

Proposal:

The proposal is a full application for the erection of a dwelling. The proposal is for a detached single storey dwelling with a pitched roof and ridge height of approximately 6.8m. The dwelling also comprises a rear extension set below the ridge of the main dwelling at a height of approximately 4.7m.

The proposed floor plans and elevations are shown below;





The Banbridge, Newry and Mourne Area Plan 2015.
Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, (LDP) so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is within a two committed housing sites NY 24 & NY 26 within the Banbridge, Newry and Mourne Area plan 2015.

Strategic Planning Policy Statement
There is no significant change to the policy requirements for dwellings following the publication of the SPPS and as it is arguable less prescriptive, the retained policies of PPS 12, PPS7 and aPPS 7 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Planning Policy Statement 7 – Quality Residential Environments:
Decisions regarding planning applications within settlement limits are assessed against PPS 7. Planning Permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

All proposals for residential development must conform to the criteria noted within Policy QD1 – Quality in New Residential Development:

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

The context in this case is provided by the two surrounding developments of Chancellors Hall and Heslips Court which comprises of two-storey semi-detached and terrace houses. The proposal is for a single storey detached dwelling orientated towards the public road and entrance to Chancellors Hall. Whilst the infilling of land and retaining features were certified under application LA07/2023/3254/CLEUD through the passage of time, these were not approved under planning policy. The department considers the proposed site to represent an inappropriate space, which has been over-engineered through the infilling of land, changes in site levels and the provision of additional retaining features. As set out in a previous PAC decision regarding a proposed dwelling on this site (2018/A0132) *'the provision of this detached dwelling will be at the loss of the landscape, amenity planting and additional amenity space for the properties at 8 and 9 Heslips Court. Accordingly, a new dwelling on this proportion of land conflicts with the existing layout of development in the area and fails to respect the patten of development established at Heslips Court'*.

The department considers the loss of the landscape and garden space to provide another dwelling on the site represents a case of 'garden grabbing' giving rise to town cramming which is an inappropriate layout and form of development. A new dwelling on this artificially raised platform would appear incoherent with the surrounding pattern of residential development and fails to respect the surrounding context. The proposal does not comply with criterion (a).

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

The application site has been screened for any archaeological or built heritage features within the immediate vicinity of the application site. It is noted no features have been identified. It is therefore considered that the proposal complies with criterion (b).

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

Creating places provides a figure that private amenity space for family sized homes should be around 70sq.m or greater for back garden provision. The site layout plan (06/01/03 Rev B) indicates a level of private open space which exceeds the minimum requirements (113.5sq.m). Given the scale of the proposed development there is no requirement for the provision of open space. The proposal complies with criterion (c).

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

The proposal is within the settlement development limits of Newry where community facilities are available. The proposal complies with criterion (d).

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

The site is located within the settlement limit, there are no issued with regards to walking and cycling and provision for public transport is already in place within close proximity. This development will not impact on the existing arrangements.

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

The site layout plan (06/01/03 Rev B) shows an area of hard surfacing along the northern boundary of the site, this will allow for parking within the curtilage along with sufficient access and turning arrangements on site. DFI Roads were consulted and have no objections to the access arrangements subject to conditions. The proposal complies with criterion (f).

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

The design of the proposed dwelling is similar to others in the wider area and is considered to be consistent with housing in the locality. The proposed dwelling is single story in design with a pitched roof and has a ridge height of approx. 6.8m. The dwelling also features a rear projection set below the ridge of the main dwelling at a height of approx. 4.7m. The choice of materials is also reflective of other developments in the area. The proposal complies with criterion (g).

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

The application site falls within two areas zoned for housing NY 26 & NY24 within the settlement limits of Newry and does not create conflict with adjacent residential land uses. The proposed site abuts Nos 1,3 and 5 Chancellors Hall to the north, the proposal features two windows on the northern side elevation to serve a lounge and utility room. 1.8m close board fencing is positioned along the northern boundary with these dwelling, which would reduce the potential for overlooking through these windows. The department have concern however regarding the potential overlooking of the private amenity space of the proposed dwelling by these existing properties to the north given the presence of rear first floor windows on these existing properties, which would afford unrestricted views over the private amenity space of the proposed dwelling.

Directly opposite the application site is Nos 16 and 18 Chancellors Hall, these dwellings are separated from the application site by an entrance road to the development, and given the orientation of both dwellings and the separation distance the department have no concerns regarding the impact of the proposal on the amenity of these properties.

Other neighbouring properties include Nos 8 Heslips Court directly to the south and No 9 Heslips Court directly to the east of the application site. The department considers that the introduction of a dwelling on the proposed site would further compound the effects of dominance and overshadowing already experienced by these properties due to the increase in land levels and the retaining structures in place on the site. Due to the increased ground level the proposed dwelling would be directly in line with the first floor of both dwellings at No 8 and 9 Heslips Court and the proposal would have a limited separation distance. Whilst there is existing 1.8m high metal fencing set on retaining walls along the southern and eastern boundaries of the site which was certified under application LA07/2023/3254/CLEUD through the passage of time, this does not provide any screening of the site. The department consider that any additional screening / hedging which would be necessary to minimise overlooking form the proposed dwelling would exacerbate the overshadowing and dominance effects of the boundary treatment. The proposal does not comply with criterion (h).

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

The proposal is within a built-up urban area with passive surveillance surrounding the area.

The proposal is considered unacceptable in that it does not comply with all of the criteria outlined above.

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity

Policy LC 1 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced. This approach, together with existing policy in PPS 7, is supplemented by the provisions of PPS 12 'Housing in Settlements' (published July 2005). Planning Control Principle 1 *'Increased Housing Density without Town Cramming' advises that: 'When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents'.*

Policy LC 1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

a) *the proposed density is not significantly higher than that found in the established residential area;*
b) *the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*
c) *all dwelling units and apartments are built to a size not less than those set out in Annex A.*

It is not considered that the proposed density would be significantly higher than that found in the surrounding area. However, as set out previously in this report the department considers the loss of the landscape and garden space to provide another dwelling on the site represents 'garden grabbing' giving rise to town cramming which is an inappropriate layout and form of development. A new dwelling on this artificially raised platform would appear incoherent with the surrounding pattern of residential development and fails to respect the overall character and environmental quality of the established residential area. The proposal is considered unacceptable in that it does not comply with all of the criteria outlined above.

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
Policy AMP 2 – Access to Public Roads
Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety. Para 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 in relation to this proposal and have confirmed they have no objections to the proposal subject to planning conditions.

Policy AMP 7 – Car Parking and Servicing Arrangements
Policy AMP 7 of PPS 3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the departments published standards. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. Parking Standards (2005) sets out the required amount of parking to be provided for each type of development. In accordance with table 8 of Parking Standards, a minimum of 1.75 in curtilage parking spaces would be required to serve a 1 bedroom detached dwelling. The site layout plan shows an area of hard surfacing (driveway) at the northern boundary of the site which would provide in curtilage car parking space along with sufficient access and turning arrangements, this is considered acceptable.

DFI Roads were consulted on this application and have no objections to parking arrangements.

Provision of services
As indicated on the P1 form, the proposal seeks to make use of the mains sewage network to treat foul waste. NI Water were consulted on the application and following the submission of a

WWIA offered no objections subject to standard planning conditions and response specific conditions.

PPS 2: Natural Heritage
Policy NH 2 and NH 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

Following a site visit, there is no evidence of any impact on species protected by law or Habitats Species or Features of Natural Heritage Importance and therefore the proposal is considered consistent with policy NH 2 and NH5.

Representations:

1. The removal of the pedestrian footpath in front of the new proposed dwelling – the impact of this on the health and safety of pedestrians, children, people with disabilities and prams
2. Some objectors did not receive N/N letters as they were not adjoining the site but believe they should have been notified
3. The height of the proposal
4. The impact on amenity of neighbouring residents
5. The impact on privacy of neighbouring residents
6. The proposal will block sunlight / cause overshadowing
7. The proposal will impact views
8. The proposal will result in increased traffic congestion / risks of collisions
9. This is the only continuous footpath in and out of the park
10. There is not enough parking spaces within the estate / currently dangerous parking
11. The construction phase of development will cause noise and general untidiness around the area
12. The proposal is dominant and overbearing
13. Concerns with the Velux window and possibility of this being converted to a two-story

Response to Objections

1. As set out in the above report DFI Roads were consulted on this application and provided no objections in terms of public safety, traffic congestion and parking subject to planning conditions.
2. Notice of this application was served to all identified occupiers on neighbouring land in accordance with Article 8(2) of the GDPO.
3. The design of the proposed dwelling has been addressed in the above report.
4. As set out in the above report the department consider that the proposal would have a detrimental impact on the amenity of neighbouring properties
5. As set out in the above report the department consider that the proposal would have a detrimental impact on the privacy of neighbouring properties
6. As set out in the above report the department consider that the proposal would have result in dominance / overshadowing of neighbouring properties.
7. The loss of a view is not considered to be a material planning consideration and therefore cannot be taken into account when assessing a planning application.
8. Concerns regarding potential noise and general untidiness during the construction phase is not considered to be a material planning consideration, the responsibility rests

with the applicant / developer to ensure they have any necessary agreements and permissions in place to complete the development.

9. As set out in the above report the department have concerns regarding dominance
10. The proposal is for a single storey dwelling, the two Velux rooflights to the rear return serve the kitchen/dining area, which incorporates a vaulted ceiling.

Neighbour Notification Checked Yes/No

Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions.

2. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (h) in that the proposal would adversely affect the amenity of both the new dwelling by reason of overlooking and neighbouring properties No 8 and 9 Heslips Court by reason of overlooking, overshadowing and dominance.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b) as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: K. Reid

Date: 02/02/2026

Appointed Officer Signature:A Loughan

Date:05/02/2026

Development Management Consideration:

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2025/0330/O	**Target Date:**
Proposal: 2 new dwellings and garages on infill site under Policy CTY8 of PPS21	**Location:** Lands between 14 & 18 Drumsnade Road, Drumaness BT24 8NG
Applicant Name and Address: Mr & Mrs A Harte 11 Annacloy Road North Annacloy Downpatrick BT30 9AF	**Agent Name and Address:** Tumelty Planning Services 11 Ballyalton Park Downpatrick BT30 7BT
Date of last Neighbour Notification:	26 August 2025
Date of Press Advertisement:	23 April 2025
EIA Determination: No The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 nor does it exceed the thresholds within column 2 of Schedule 2 (site area 0.3ha) of the Regulations, being a development on lands less than 0.5 hectares. The development is not located within a sensitive area, therefore an EIA determination is not required by Schedule 2 of the EIA Regulations.	
Consultations: See Report	
Representations: None	

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at lands between 14 & 18 Drumsnade Road, Drumaness.



Date of Site Visit: 20th August 2025 & 12th December 2025

Characteristics of the Site and Area

The site comprises an agricultural field on the south side of Drumsnade Road approximately 1km south west of Drumaness village. There is a 1.5-1.8m high beech hedge along the roadside boundary. The SW boundary with No 18 comprises their boundary fence and associated hedge. A hedge and gorse defines the NE boundary with No 14. As the site forms the front more northerly portion of the field, the SE boundary of the entire site is undefined. Gorse /whin bush which defines the outer boundaries of the bigger field. The site is undulating with a large gorse covered rock knoll towards the western half of the field which just lies outside the boundary of the site. Site levels range throughout the site and it slopes downwards from NE to SE and also the site increases in steepness towards the rear of the wider field. The site is rural in character.



View looking towards the SW -August



View looking NE – the extent of the beech hedge is apparent -December

Description of Proposal

2 new dwellings and garages on infill site under Policy CTY8 of PPS21

Planning Assessment of Policy and Other Material Considerations

The application site is located outside the settlements in the open countryside within the Ards and Down Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards & Down Area Plan 2015.

PLANNING HISTORY

Same site as this site
Appeals
Application Number: 2003/A121
Decision: Appeal Dismissed
Decision Date: 10 November 2003
Proposal: Erection of dwelling, integration, rural character, visual gap.

Application Number: 2004/A241
Decision: Appeal Dismissed
Decision Date: 06 January 2005
Proposal: Replacement dwelling – related to a siting condition of the approved replacement dwelling (R/2003/0995/O) – dismissed at appeal.

Planning

Application Number: R/2011/0635/F
Decision: Permission Granted
Decision Date: 17 May 2013
Proposal: Private dwelling on a farm with domestic garage
Approved under a different policy context – CTY10 dwelling on a farm – limited places to site the farm dwelling as it needed to be clustered and visually linked with the buildings at No 18. Permission has since lapsed.

Application Number: R/1973/0141
Decision: Permission Granted
Decision Date: 07 June 1974

Application Number: R/1975/0284

Decision: Permission Granted
Decision Date: 14 January 1977
Proposal: Replacement Bungalow

Application Number: R/1977/0029
Decision: Permission Granted
Decision Date: 07 April 1977
Proposal: Replacement Dwelling

Application Number: R/1982/0419
Decision: Permission Granted
Decision Date: 18 August 1982
Proposal: Extension to dwelling

Application Number: R/2002/0159/O
Decision: Appeal Dismissed
Decision Date: 28 January 2003
Proposal: Erection of dwelling.

Application Number: R/2003/0995/O
Decision: Appeal Dismissed
Decision Date: 20 April 2004
Proposal: Replacement dwelling.

Consultations:

Environmental Health – no objections
DFI Roads – No objections subject to RS1 form

Objections & Representations
In line with statutory requirements neighbours have been notified on 11.08.2025. The application was advertised in the Mourne Observer on 23.04.2024 (Expiry 08.05.2025). No letters of objection or support have been received to date.

Consideration and Assessment:
Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area Plan 2015.

On the 11th December 2025, the Department for Infrastructure published the Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable

Development' Edition 2 (SPPS2), which includes new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2, makes clear that all other policy provisions within the former SPPS are unchanged. The SPPS2 is material to all decisions on individual planning applications and appeals. The SPPS2 retains policies within existing planning policy documents until such time as Plan Strategies for the whole of the Council areas in NI have been adopted. No Plan Strategy has been adopted for NMD Council as yet. The SPPS2 sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS2. Consideration of the relevant policies are set out below.

The SPPS2 states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS2 states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development

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

The agent considers that the site is such a gap site, falling within a substantial and continuously built-up frontage. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.

The site comprises a roughly rectangular shaped plot which fronts onto Drumsnade road. No 14 a two storey dwelling with attached garage sits on higher land than the site and fronts onto Drumsnade Road. No 18 is a single storey detached bungalow with an associated outbuilding in its curtilage. There is another small building (No 20) further to the SW which was subject to replacement under R/2003/0995/O (since lapsed) and is very overgrown as the hedge partly covers the building from the roadside, with little awareness of the building. It sits gable onto the road also. All three of these buildings all have frontage to the road because the plots upon which they sit abuts the road. The substantial and continuously built-up frontage (SCBUF) therefore comprises three (or more) buildings as specified in the policy, namely, the two detached dwellings at Nos. 14 and 18 and the (former dwelling) at No 20 and the outbuilding at No 18. As per the high court judgement – Gordon Duff v Newry, Mourne and Down District Council [2022] (NIQB37) and the subsequent court of appeal judgement - Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) [2024] NICA 42, Policy CTY8 refers to a small gap site within an otherwise substantial and continuously built-up frontage, that is to say, which is continuously built up (in line with the policy) but for a 'small gap site' which is under consideration for development.

Paragraph 5.34 of the amplification text of Policy CTY8 states that "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 produce a design solution to integrate the new buildings."



Paragraph 5.34 infers that for the purposes of the policy, the 'gap' is between buildings. The gap between the two dwellings is approximately 137.5 metres wide. In assessing whether that gap is 'small' and thus compliant with the policy, one must assess it in the context of the existing pattern of development along the frontage in terms of size, scale, siting and plot size. While consideration of an infill is not a mathematical exercise it does serve to inform the assessment of the proposal.

Spatial NI was used to measure the relevant frontages within the SCBUF.



Gap = 137.5m

No14 frontage = 36m

No 18 frontage = 56

No 20 frontage = 16m

Average = 36m

Plot frontage for two infills = 112 /2 = 56.2m

No 20 appears to be in the ownership of No 18, there is a low wall which separates it from the natural garden area of No 18



Outbuilding in No 18's garden with low wall and gap giving access to No 20



No 20 (former dwelling) no appreciation along the roadside

So it is debatable as to whether its frontage should be counted separately or No 18 as one curtilage with 3 separate buildings – as below. There is one large continuous hedge along the roadside that continues and includes some of No 20. If No 18 is taken as one frontage then the following is apparent



Gap = 137.5m

No14 frontage = 36m

No 18 & 20 frontage = 73

Average = 54m

Plot frontage for two infills = 112 /2 = 56.2m

If the proposal were to be permitted the plot frontages along this section of Drumsnade Road would range from 35.1m to 73.2m, with proposed sites having frontages of approx 56.2m.

The assessment of whether a site is suitable for infill development is not simply a mathematical exercise. Whether or not a gap site is suitable for infill development is a matter of planning judgment, taking into account what is ascertained on the ground. As can be seen from the street view image below, the gap between No 14 and 18 is substantial.

In relation to No. 14, its plot size is approximately 0.1 hectares. The plot at No. 18 is around 0.22 hectares. The plot size of the site would be around 0.33 hectares (for two dwellings).

Building on Tradition (BoT) states that where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. It goes on to say that when a gap

is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The guidance states that a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon. Even with taking No 18 and 20 as one frontage (results in a higher average plot width), the plot width of No. 14 is approximately 35 metres and No. 18 is around 73 metres. The average plot width is therefore some 54 metres. Factoring this in and given that the width of the gap is approximately 137.5 metres, the gap is more than twice the length of the average plot width. This aspect of the proposal would not be acceptable.

At 137.5m, the gap between No 14 and 18 Drumsnade Road could accommodate more than two dwellings within the range of plot sizes identified. Consequently, the application site would not qualify as a small gap site within an otherwise substantial and continuously built-up frontage. In addition in the wider context of the site, the rural character along this part of the road is clearly visible. The proposal relies heavily on two bookends within the same curtilage whereby officers consider the site represents an important visual break. Appeal 2003/A121 for a dwelling while assessed under the previous policy 'A Planning Strategy for Rural Northern Ireland PSRNI) noted the following:

The Planning Appeals Commission (PAC) had in its decision letter; taking account of the elevated siting proposed and the need to remove frontage vegetation for sight splays, the Commission judges that it would not be possible for the proposed dwelling to achieve satisfactory integration into the landscape. It finds that the site represents an important visual break between two pairs of dwellings and that the proposed dwelling would be intervisible with all of these existing dwellings, resulting in a detrimental change to the rural character of the area by reason of build up. It therefore finds the first and second reasons for refusal to be sustained.

The proposal therefore, if permitted would create ribbon development and does not therefore fall within the exceptions of CTY 8. As mentioned above officers are mindful of the Court of Appeal judgement - Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) [2024] NICA 42 in support of its position emphasising the restrictive nature of Policy CTY 8 and its intention to prevent ribbon development and preserve visual breaks.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

Policy CTY 13 - Integration and Design of Buildings in the Countryside

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

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

As the application is for outline permission, no specific details of house type or design have been submitted. In assessment of the above, the site contains a large greenfield with box trimmed hedgerows to the site frontage which sits slightly below road level. The land within the site rises steadily in a south-westerly direction to the rear boundary of the field. The surrounding topography is typically undulating, therefore views of the site are limited to short distances and along the site frontage from both directions. In this regard, the site is not considered to be prominent. While it is open in nature given the length of the site, the mature boundaries along the wider site along with some additional planting to the rear would aid the integration of any dwellings on the site. The existing boundary vegetation along the frontage can be retained and does not have to be removed for visibility splays, so would not open the site up any further. Therefore suitably designed dwellings on the site with a restricted ridge height would not appear prominent. It will be important that existing and proposed levels are submitted at reserved matters stage. The proposal would comply with CTY 13.

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

A new building will be unacceptable where:

a) It is unduly prominent in the landscape; or
b) It results in a suburban style build- up of development when viewed with existing and approved buildings; or
c) It does not respect the traditional pattern of settlement exhibited in that area; or

d) It creates or adds to a ribbon of development
e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As discussed above the proposal is not considered to be an exception to CTY 8 and would therefore result in creation of ribbon development. Further to this the two infill dwellings intend to share an access point. Provision of this would be at odds with dwellings in the immediate area and would represent an arrangement typical of an urban setting, not appropriate within this rural context. The proposal therefore fails to comply with Criteria B, C and D of CTY 14 (read as a whole and the related provisions of the SPPS2) which would cause a detrimental change to the rural character of the area.

CTY 16 – Development relying on non mains sewerage. There would be sufficient room within the land in red for a septic tank and soakaways. The grant of planning permission does not negate the need for a consent to discharge outside of the planning process.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

The application was accompanied by a biodiversity checklist completed by the agent, with no issues ticked as part of the submission. The site is not located within a sensitive area, such as an AONB.

The proposal, will not require the removal of a any roadside hedging. It is also noted that the gorse covered rock knoll towards the western half of the field, lies outside the site to be developed.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) has been considered. The site is located approximately 35km upstream from Strangford Lough SAC/SPA/Ramsar. Based on the nature and location of the proposal it is concluded there can be no conceivable effects on these European sites.

On the basis of the above assessment. it is considered that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

PPS 3 – Access, Movement and Parking
The application seeks to create a new access onto magheratimpany Road. Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
(B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable. DfI Roads have indicated in their consultation response they have no objections to the proposal provided a scale plan and acurate site survey is submitted in any subsequent application complying with the RS1 form which requires splays of 2m x 60. The proposal complies with AMP 2 of PPS 3

Conclusion

For the reasons given above, the proposal fails to satisfy the requirements of Policies CTY 8, and CTY 14 of PPS 21 and the related provisions of the SPPS2. No overriding reasons have been presented to demonstrate how the proposal would be essential in the countryside, thus it is also contrary to Policy CTY 1 and the related provisions of the SPPS2.

Recommendation:
Refusal

The plans to which this refusal relate include:
site location plan 22303NE

site concept plan A002

Refusal Reasons:
1. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2) 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 (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2) 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 as the development would not respect the existing development pattern along the frontage, resulting in the loss of an important visual break and would, if permitted, result in the creation of ribbon development along Drumsnade Road.

3. Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2) and Criteria B, C and D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
- the proposed access arrangement does not respect the traditional pattern of settlement exhibited in the area;
- the dwelling would, if permitted create a ribbon of development

and would therefore further erode the rural character of the countryside.

Neighbour Notification Checked	Yes
Summary of Recommendation – Refusal as above	
Case Officer Signature: C Moane	**Date:** 12 December 2025
Appointed Officer Signature: B.Ferguson	**Date: 12th December 2025**

Planning Committee Schedule of 25th February 2026

Planning reference: **LA07/2025/0330/O**

Proposal: **2 New. dwellings and garages on infill site under Policy CTY8 of PPS21**

Applicant: **MR & Mrs Harte** **Recommendation: Refusal**

Refusal Reasons:

1 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2) 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 (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2) 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 as the development would not respect the existing development pattern along the frontage, resulting in the loss of an important visual break and would, if permitted, result in the creation of ribbon development along Drumsnade Road.

3 Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2) and Criteria B, C and D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
- the proposed access arrangement does not respect the traditional pattern of settlement exhibited in the area;
- the dwelling would, if permitted create a ribbon of development and would therefore further erode the rural character of the countryside.

Refusal Reason 1.

The development of a small gap site within an otherwise substantial and continuous built up frontage in accordance with Policy CTY8 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is a gap site and its meets with criteria and is compliant with SPPS2 and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1. The application site is on the Drumsnade Road located North North East of No18 and between that property and No 14.

Refusal Reason 2

The Policy states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up

frontage such as the application site purports to. The dwellings at 14 & 18 Drumsnade Road both have road frontages with the curtilages of both sites running to the road as does No20, it is noted that there are addition out-buildings located at N018 and as such the substantial and continuous built-up frontage exists as required by the policy.
In preamble to SPPS2 introduced on 11th December 2025 it is made clear that all other policy provisions within the former SPPS remain unchanged and in relation to infill/ribbon development (as this proposal is) the policy is less prescriptive than PPS21 which will continue to operate until the Council adopt a Plan Strategy for the Council area. It is considered by the Council that the application site is a visual break in the frontage, however it is counter contended that the application site is infect an infill / gap site and should benefit from the grant of a planning approval.
The proposal has also to be considered against other Policies PPS13- the Council accepts that the site is not prominent, integrates with the surrounding area and that a low ride height on the proposed dwellings would not appear prominent in the site context and this matter should it be necessary can be conditioned by the Council. In relation to Policy CTY14- the applicants contend that the proposal will not result in suburban type build-up, is respective of the surrounding settlement pattern and does not add to a ribbon rather it avails of the infill opportunity which exists. Policy CTY16- It is accepted that the application site is capable of housing the required Bio-discs to facilitate the proposal.

Refusal Reason 3

The application site as stated above is in compliance with SPPS2 and CTY14 of PPS21 and contrary to the Council's opinion the development would not result in a suburban style build up as the proposal would not result in the removal of existing mature roadside box hedging which as stated in the officers report would screen the proposals from roadside views. The proposed access arrangements have been assessed by Dfi Roads and an RS1 has issued and many such access arrangements have been approved by this authority since it came into existence in 2015. It is contended that the proposed dwellings on this infill site would not further erode the countryside but would be acceptable as the in-filling of an existing gap site within the existing continuously built up frontage as required by the policy.

Other Agencies

The proposed site meets with other considerations by other consultees and agencies -

PPS 3-- DFI Roads issued a RS1 form, indicating 2m by 60m visibility spays are required and these are achievable within the proposed road frontage, it is considered that there is sufficient land to accommodate parking, turning and manoeuvring.
Environmental Health – No Objections
No objections from neighbours or the publicity process.

Conclusion

The site as chosen complies with the requirements of 2 No dwellings and garages under Policy CTY8 as it is located in a small gap site between No14 and No18 Drumsnade Road this provides for the gap in a continuous built up frontage as required by the policy.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development as the site is capable of housing 2 dwellings and garages in accordance the policy.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2025/0378/F	**Target Date:**
Proposal: Change of use from commercial shop unit to 2 bedroom dwelling house.	**Location:** 26 Lisburn Street, Electrotech, Ballynahinch BT24 8BD
Applicant Name and Address: William Getty 2 Purdysburn Village Belfast BT8 8LJ	**Agent Name and Address:** William Getty 2 Purdysburn Village Belfast BT8 8LJ
Date of last Neighbour Notification:	15 September 2025
Date of Press Advertisement:	30 April 2025
EIA Determination: None required The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 nor does it exceed the thresholds within column 2 of Schedule 2 (site area 0.02ha) of the Regulations, being a development on lands less than 0.5 hectares. The development is not located within a sensitive area, therefore an EIA determination is not required by Schedule 2 of the EIA Regulations.	
Consultations: see report	
Representations: None	

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Main issues	The main issues to consider in the determination of this application are: • Policy Context and Principle of Development • Loss of Retail Development • Layout and Quality of Development • Open Space and Residential Amenity • Access Movement and Parking • Other Matters

Site Visit Report

Site Location Plan: The site is located at 26 Lisburn Street, Ballynahinch



Date of Site Visit: 27th October 2025

Characteristics of the Site and Area

The building is located on a commercial and residential street lined with two-storey terraced buildings and is a former Electrotech commercial premises (sales, service and repair shop). The building sits directly at the edge of the footpath, with no setback and is part of a continuous row of shopfronts being situated between a Chinese takeaway on one side and a Ballynahinch Veterinary Clinic. Further to the SE is the post office and to The NW is McKelvey Bros farm supplies business. There is a roller shutter door at the front of the premises and signage has been removed from the front façade. The area is mixed-use commercial with small local businesses along this part of the street.

Description of Proposal

Change of use from commercial shop unit to 2 bedroom dwelling house.

Planning Assessment of Policy and Other Material Considerations

The site is located within the settlement limits of Ballynahinch within the town centre boundary, within an area of Archaeological potential but outside the primary retail core as designated within the Ards and Down Area Plan 2015 (ADAP 2015).



Map 3/003C from ADAP 2015 – site location indicated by green star

The following planning policy statements are relevant to the proposal;

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 7 – Quality Residential Development
- Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 Housing in Settlements
- DES 2 Planning Strategy for Rural Northern Ireland

Guidance
Published guidance documents will also be considered such as Creating Places
DCAN 8 – 'Housing in Existing Urban Areas'
DCAN 15 and Parking Standards

PLANNING HISTORY

Planning
Application Number: R/1988/0753
Decision: Permission Granted
Decision Date: 10 October 1988
Proposal: Shop sign

Application Number: R/1988/0996
Decision: Permission Granted

Decision Date: 24 January 1989
Proposal: Change of use to small animal veterinary clinic

Application Number: R/1990/0294
Decision: Permission Granted
Decision Date: 19 February 1991
Proposal: Internal illuminated projector sign

Consultations

Dfl Roads – No objections on the basis that planning are content that this proposal will not lead to intensification of use of the existing sub-standard vehicular access and that there is adequate parking for this proposal.

Northern Ireland Water – Approval (based on proof of occupancy) Existing premises/site may already be connected to public wastewater network. A formal surface water sewer connection application will be required to be submitted where it is proposed to re-use existing connection.

Environmental Health – no objections - informative

Objections & Representations
In line with statutory requirements neighbours have been notified on 01.09.2025. The application was advertised in the Down Recorder (Statutory expiry 15.05.2025). No letters of objection or support have been received in relation to the proposal.

Consideration and Assessment:
Section 45 of the Planning Act (NI) 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 application is located within the settlement of Ballynahinch within the ADAP 2015.

The Strategic Planning Policy Statement for NI Ireland -SPPS
The SPPS is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The SPPS provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density

without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development. The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Principle of development

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

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

Addendum PPS 7

In terms of LC 1 of Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas (APPS7) - Annex E of APPS 7 lists a number of exceptions where Policy LC 1 will not apply. One of these is where the site is within a designated town centres within large towns. As detailed previously, the site is within Ballynahinch Town Centre in ADAP 2015. Therefore, the provisions of Policy LC 1 of APPS 7 do not apply in this case.

Proposal

The proposal involves a change of use from a commercial shop unit to 2 bedroom dwelling house.

Retail Impact

Paragraphs 6.267-6.292 of the SPPS set out policy in relation to 'Town Centres and Retailing', incorporating a town centres first approach for retail and other main town centre uses. The SPPS states that where retail uses are proposed outside of main town centres, a sequential test should be applied to establish whether or not sequentially preferable sites exist within the catchment area of the proposal. Para 6.281 states *'Applications for main town centre uses are to be considered in the following order of preference (and consider all of the proposal's catchment):*

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good public transport modes.'*

The proposal will involve some loss in retail floorspace on the ground floor. It is accepted that the reduction of this small level of retail floorspace would not be significant given that the proposal is not located within the primary retail core of Ballynahinch. This element of the proposal would deemed to be acceptable.

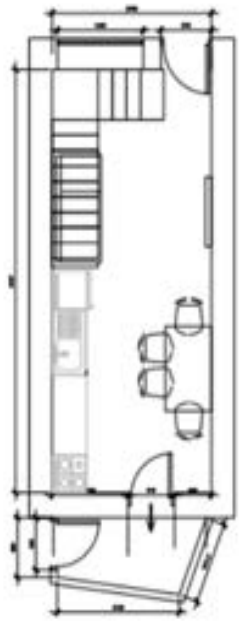
Layout and Quality of Development

Policy QD 1 of PPS 7 'Quality in New Residential Development' states that "planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment". It goes on to state that "the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area". Paragraph 4.27 of the SPPS also refers to the need for good design and states that 'Planning Authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale or incompatible with their surroundings'.

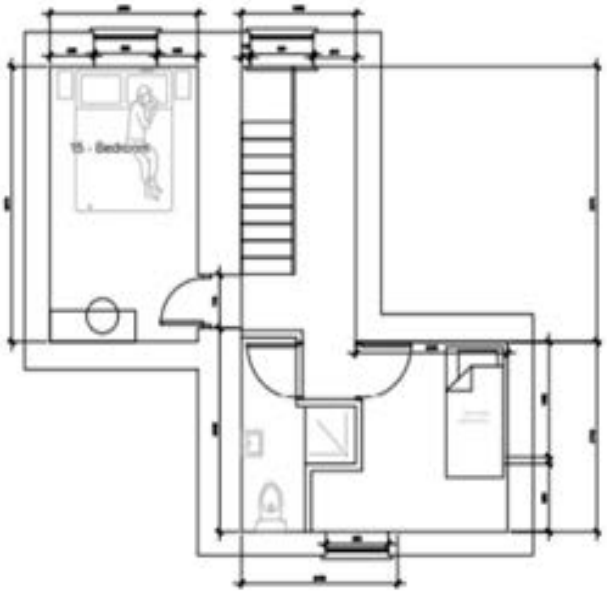
Within Policy QD1 of PPS 7 there is a requirement for all proposals for residential development to conform to the listed criteria A - I.

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

It is proposed to change the use of the building to a single dwelling. The GF comprises a small kitchenette/dining with limited living room area. Upstairs there is two bedrooms and a shower room.



Proposed Ground Floor



Proposed First Floor



Existing elevations



proposed elevations

The proposal seeks to alter the existing building at ground floor level to accommodate its use as a single dwelling. The shop front is to be altered to reduce the larger window (which extends to the ground which has a roller shutter), so that a smaller higher level window can be accommodated, situated adjacent to the current doorway which already serves the property. The main works are internal, reducing the current retail space so that kitchen facilities can be accommodated.

Paragraph 4.6 of the Justification and Amplification (J&A) to Policy QD 1 of PPS 7 expects developers 'in preparing layouts to have greater regard to the site context, in particular the characteristics of landform and the townscape' setting. As detailed previously, the development would replace part of the existing commercial shopfront with a single window. It is considered that these design amendments would respect a

fenestration pattern that would be in keeping with the surrounding context that prevails along Lisburn Street. Therefore, this new aperture would not detract from the character or appearance of the building itself or its setting, it is considered that the proposal would not cause unacceptable damage to the character or appearance of the area in respect of criterion (a) of Policy QD 1 of PPS 7 and is acceptable in respect of scale, proportions, massing and the appearance of buildings, structures and hard surfaced areas

However, it is considered that the layout of the development is unacceptable because of the no rear private amenity space that it provides. The agent was asked to provide justification with regard to the lack of amenity space.

The agent indicates that the property is located within the designated Town Centre, offering immediate walking access to a variety of public spaces and facilities. Like many of the neighbouring properties amenity space is constrained by proximity to other properties and neighbouring lands. He indicates that at number 24 no amenity is provided, as well as limited amenity provided at those dwellings immediately opposite, thus in keeping with the scale, proportions and character of the surrounding context. He indicates that this is unfortunately a physical and economic reality of dwellings within the town centre environment, however, a trade off which is necessary to cater to the varying needs of some who wish to avail of the convenience of town centre living as noted in the previous response. Ballynahinch has had a recent public realm upgrade, with small gathering points interspersed along key routes and the traditional gathering place at the market square. There is also a leisure centre, play park, and a number of segregated walks within 5 minutes walk of the property.

Creating Places (CP) states that the provision of adequate private open space should also be considered as an integral part of the design in order to, provide for residents' amenity, enhance visual attractiveness and enhance safety, especially for young children. It goes on to state in para 5.19 that while smaller areas will be more appropriate for houses with 1 or 2 bedrooms or houses located opposite or adjacent to public or communal open space. For any individual house however an area less than around 40 sq m will generally be unacceptable.

Had there even been a reduction in amenity space from 40sqm, this could have been a consideration, the properties to which the agent refers are long standing and PPS 7 was introduced subsequent to this. Given then that the proposal does not include any form of private rear amenity space, the justification is not sufficient to overcome this issue. It is therefore considered that the development is contrary to this section of policy on the basis of the layout.

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

While the proposal falls within the consultation zone of an area of Archaeological potential, this is a change of use application where there are minimal changes to the building that would impact on archaeology. There are minimal elevational changes to the front and none to the side (given it is in a terrace) that would impact on the street scene. There are no landscape features are impacted by the proposal. The proposal complies with part (b)

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

As discussed above, Creating Places (CP) states that the provision of adequate private open space should also be considered as an integral part of the design in order to, provide for residents' amenity, enhance visual attractiveness and enhance safety, especially for young children. It goes on to state in para 5.19 that while smaller areas will be more appropriate for houses with 1 or 2 bedrooms or houses located opposite or adjacent to public or communal open space. For any individual house however an area less than around 40 sq m will generally be unacceptable. The proposal is contrary to part (c).

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

The provision of neighbourhood services is not applicable to this application given the scale of development and its location within Ballynahinch.

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

Given the scale of development a movement pattern is not required, The site provides a good location in terms of providing a movement pattern that supports walking. Proposal offers proximity to good public transport links and neighbourhood facilities. The proposal complies with part (e).

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

Parking Standards provides the guidance of 1.5 unassigned spaces for a 1 and 2 bedroom terrace house. Para A1 of Annex 1 of Parking Standards states "Lesser provision may be acceptable in inner urban locations and other high-density areas. In special circumstances, in some inner urban locations, 'car-free' developments may be considered appropriate - where it can be demonstrated that households will not own a car or will keep it elsewhere". The current situation is there is only on street parking for the properties along Lisburn Street.

Given the scale of the development and surrounding on street car parking that can be utilised it is considered that on balance no issues of concern shall arise in respect of parking. It is noted that DFI Roads have outlined that they have no objections to the development.

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

As this is a conversion of a GF shop to a single dwelling there are minimal changes to the external appearance of the building. The external changes involve reduction in the size of the front window and removal of previous signage (which has been done). This minimal change is considered acceptable and will have no impact on the character of the area.

Minimum floorspace standards (which endorse DSD/Department for Communities space standards) are set out on Annex A of APPS 7.

The proposal falls short of the standards identified, which should be 70/75 sqm over 2 storeys. Even when the stairwell is included, the property measures at 52sqm.

The agent was asked for further justification for the reduced space standards, he indicates that in practice a property of this size will assist in catering to an often underserved portion of the population. The property is more likely to appeal to a single adult living alone, perhaps with a child visiting on occasion, or a single parent. Due to the proximity to local amenities and public transport the property will also appeal greatly to someone who cannot drive or an independent disabled person. He states that as such, this property is more reflective of a 2 person property whilst providing 2 separate bedrooms and being set over 2 floors, making its 53sqm fit within the band for a 2 person flat. He continues that a property of this size and proportion has innumerable contextual examples of traditional terraces providing utility to families all over Northern Ireland. Being an existing property enclosed on all sides, extension of the property is not a viable option to increase the area and deviation from policy is the only means of the property succeeding as a dwelling in a town which is oversubscribed with small retail units.

Taking the above into account and that LC (c) is not applicable in this case, the proposal is considered to meet with the above and refusal could not be sustained on the basis of the space standards. The proposal complies with criteria g.

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

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Environmental Health were consulted as part of the application and indicate in their response that care should be taken to ensure future occupants are not adversely impacted by noise. Advice should be sought from an acoustic consultant with respect to suitable glazing and if necessary acoustic ventilation to ensure suitable internal acoustic design targets are met. Environmental Health have no objections to the proposed development subject to a condition. Should the council be minded to approve this scheme, this could be dealt with by condition, the proposal complies with criterion (h).

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

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and have no objections to the proposal on the basis that no off street parking is required for this proposal.

	Dwelling size (bedrooms)	Total no. of parking spaces required per dwelling (unassigned spaces)	Total no. of parking spaces required per dwelling (assigned spaces)*
Apartments	Bedsit and 1 bed	1.25	1.5
	2 bed	1.5	1.75
	3 bed	1.75	2.0
Terrace houses	1 and 2 bed	1.5	1.75
	3 bed	1.75	2.0

Parking Standards provides the guidance of 1.5 unassigned spaces for a 1 and 2 bedroom terrace house. As considered above under part (f), the current situation is there is only on street parking for the properties along Lisburn Street. The proposal does not involve any in curtilage car parking. Historically no parking is associated with the previous retail use. While it is generally not appropriate to use DFI car parks to serve a private development such as this in consideration of this is it is recognised that there is on street parking within walking distance and council owned public carparks within a short walk. The site is located within a town centre location where there is access to public transport. The agent has provided justification also, on this basis the proposal complies with PPS 3 AMP 7.

The parking arrangement is considered acceptable.

Residential Amenity

The proposal is sited in a mixed area of both residential and commercial. Environmental Health have been consulted and have no objections to the proposal subject to an informative to ensure that all demolition and construction activities should be undertaken in line with best practice guidance.

Summary:

After consideration of all relevant planning policies and material considerations this proposal does not comply with the above policy.

Recommendation: Refusal

Refusal Reason:

The proposal is contrary to the SPPS and policy QD1(c) of Planning Policy Statement 7: 'Quality Residential Environments' in that adequate provision has not been made for private amenity space to serve the development, therefore it fails to create a quality and sustainable residential environment. **Informative** The plans to which this refusal relate include: Site location plan – A1000 REV A Site block plan – A1003 REV A Elevations and Floorplans – A- 1002
Neighbour Notification Checked Yes
Summary of Recommendation *Refusal*
Case Officer Signature: C.Moane **Date:** 5 December 2025
Appointed Officer Signature: B.Ferguson **Date: 08/12/2025**

1. Introduction and Nature of the Proposal

- Application seeks change of use from a vacant commercial unit to a 2-bed dwelling.
- Site is within the Ballynahinch settlement limit and town centre boundary.
- Proposal involves re-use of an existing building, with minimal external alteration.
- No objections from statutory consultees or neighbouring properties.
- All other derogations are deemed accepted apart from private amenity provision, per planning report.

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2. Policy Context and Decision-Making Framework

Strategic Planning Policy Statement (SPPS)

Key overarching principles:

- SPPS is the primary material consideration where conflicts arise. This supports:
  - Housing in settlements
  - Town-centre living
  - Re-use of existing buildings
  - Efficient use of land and infrastructure
  - Provision of a range of housing types and sizes
- Emphasises a flexible, context-sensitive approach, particularly in existing urban areas.

SPPS requires planning decisions to consider the overall quality and sustainability of development, not the rigid application of individual standards where site constraints exist. The approval of this application would add to a diversity to housing stock within the Ballynahinch town enhancing options available to areas of society who may be under represented in modern housing stock.

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3. Principle of Development

ADAP 2015 – Policy SETT 1

- Favourable consideration for development within settlement limits where it:
  - Is sensitive to the size and character of the settlement
  - Is appropriate in scale, form and use

The principle of residential use in this location is acceptable given the continued use of adjacent properties and the former use of the property in question.

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4. PPS12 – Housing in Settlements

Relevant objectives:

- Encourage housing within settlements
- Promote re-use and conversion of existing buildings
- Support a range of housing types to meet differing needs
- Reinforce sustainability through accessible locations

The proposal directly aligns with PPS12 objectives by:

- Bringing a vacant unit back into use
- Providing a small dwelling suited to town-centre living
- Supporting the vitality of the town centre

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5. PPS7 – Quality Residential Environments

QD1(a): Context and Character

- Requires development to respect surrounding context.
- Lisburn Street contains existing dwellings with limited or no private amenity space.
- The proposal reflects the established urban grain of the street.

QD1(c): Amenity Space

- Requires "adequate provision… where appropriate".
- The policy does not set a mandatory minimum.
- Adequacy must be assessed in context, particularly in constrained town-centre sites.

The surrounding context demonstrates that private amenity space is not a defining characteristic of this part of the town centre.

6. Creating Places – Application of Amenity Guidance

- Creating Places is guidance, not policy.
- Paragraph 5.19:
  - Recognises that smaller areas may be appropriate for 1–2 bed dwellings.
  - Accepts reduced provision where dwellings are near public or communal open space.
  - Uses the term "generally unacceptable", meaning consideration can be given to other factors and not absolute.

The guidance anticipates circumstances where public realm and accessibility compensate for reduced private amenity, particularly in urban centres.

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7. Public Realm and Alternative Amenity Provision

- The site benefits from:
  - Immediate access to Ballynahinch town centre
  - Recent public realm improvements
  - Market Square and public seating areas
  - Leisure centre, park and walking routes within short walking distance
- This aligns with SPPS considerations of health, wellbeing and accessibility.

Amenity should be assessed by quality of living environment, not solely by private garden provision. In relation to accessibility, availability of town centre dwellings are crucial for those on lower incomes or disabled individuals who rely exclusively on public transport and walking.

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8. Consistency with Officer Assessment on Floorspace

- Officer accepts reduced internal space standards, applying policy flexibility.
- Justified on:
  - Housing need
  - Sustainability
  - Town-centre context
  - Provision of smaller units

The principal of applying flexibility to internal space can also be applied to that of amenity space as both arise from the same physical constraints and respond to in alternative means to policy objectives.

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9. Other Material Considerations Supporting Approval

- No adverse impact on
  - Character or appearance
  - Residential amenity of neighbours
  - Parking or traffic
  - Noise or environmental health
- No objections from:
  - Dfl Roads
  - Environmental Health
  - NI Water
  - Public or neighbours

The planning balance is not undermined by any technical or environmental concerns.

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10. Overall Planning Balance

- The application was deemed to conflict to the extent of refusal with one element of policy, amenity guidance only.
- That conflict must be weighed against:
  - SPPS strategic objectives
  - PPS12 housing delivery
  - Town-centre sustainability
  - Re-use of existing buildings
  - Established local context

It should also be noted that the applicant has noted lands in their control on the site block plan to the rear of the property accessed via a shared hardstanding. Whilst not forming part of this application these are lands which will form additional informal outdoor space for the benefit of the property.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/0969/O	**Target Date:**
Proposal: Proposed dwelling on a farm under Policy CTY10 of PPS21	**Location:** Approx 130m NE of 6 Ballydrumman Road Derryneill Ballyward BT31 9UA
Applicant Name and Address: Mr William Herron 6 Ballydrumman Road Derryneill Ballyward BT31 9UA	**Agent Name and Address:** Tumelty Planning Services 11 Ballyalton Park, Downpatrick, BT30 7BT
Date of last Neighbour Notification: **Date of Neighbour Notification Expiry:**	19.03.2025 02.04.2025
Date of Press Advertisement: **Date of Press Ad Expiry:**	18.09.2024 02.10.2024

EIA Determination: The site is within the Mourne Area of Outstanding Natural Beauty and is 1.02ha in size being residential development.

The Planning (Environmental Impact Assessment) Regulations (NI) 2017 are considered and the site falls within 10B of schedule 1 and the site is over 0.5ha in size it falls within a sensitive area being the Mourne Area of Outstanding Natural Beauty therefore Environmental Impact Assessment screening is required.

Consultations:

NI Water was consulted and responded with no objections to the proposal.

DAERA was consulted and responded advising that the farm identified as being related to this application and as identified on the P1C has been in existence for a period of 6 years or more. The business is a category 1 business number and farm payments have been claimed in each of the last 6 years for the business. The response also notes that the application site IS NOT on lands currently being claimed by the business and the field was claimed by another farm business.
It is also noted that the applicant is not a member of the farm business, this will be covered later in the report.

DFI Roads was consulted and responded with no objections subject to conditions.

DFI Rivers was consulted and responded with the following:

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

FLD 2 – Protection of Flood Defence and Drainage Infrastructure - not applicable

FLD 3 - Development and Surface Water – this development does not exceed the thresholds and therefore a Drainage Assessment is not required.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

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

It is also noted that the Rivers Directorate advises that on the most up to date modelling the flood maps indicate that the site does not lie within the 1 in 100 year climate change fluvial flood plain and/or the 1 in 200 year climate change coastal flood plain.

Environmental Health was consulted and responded with no objections provided the dwelling is associated with the adjoining farm.

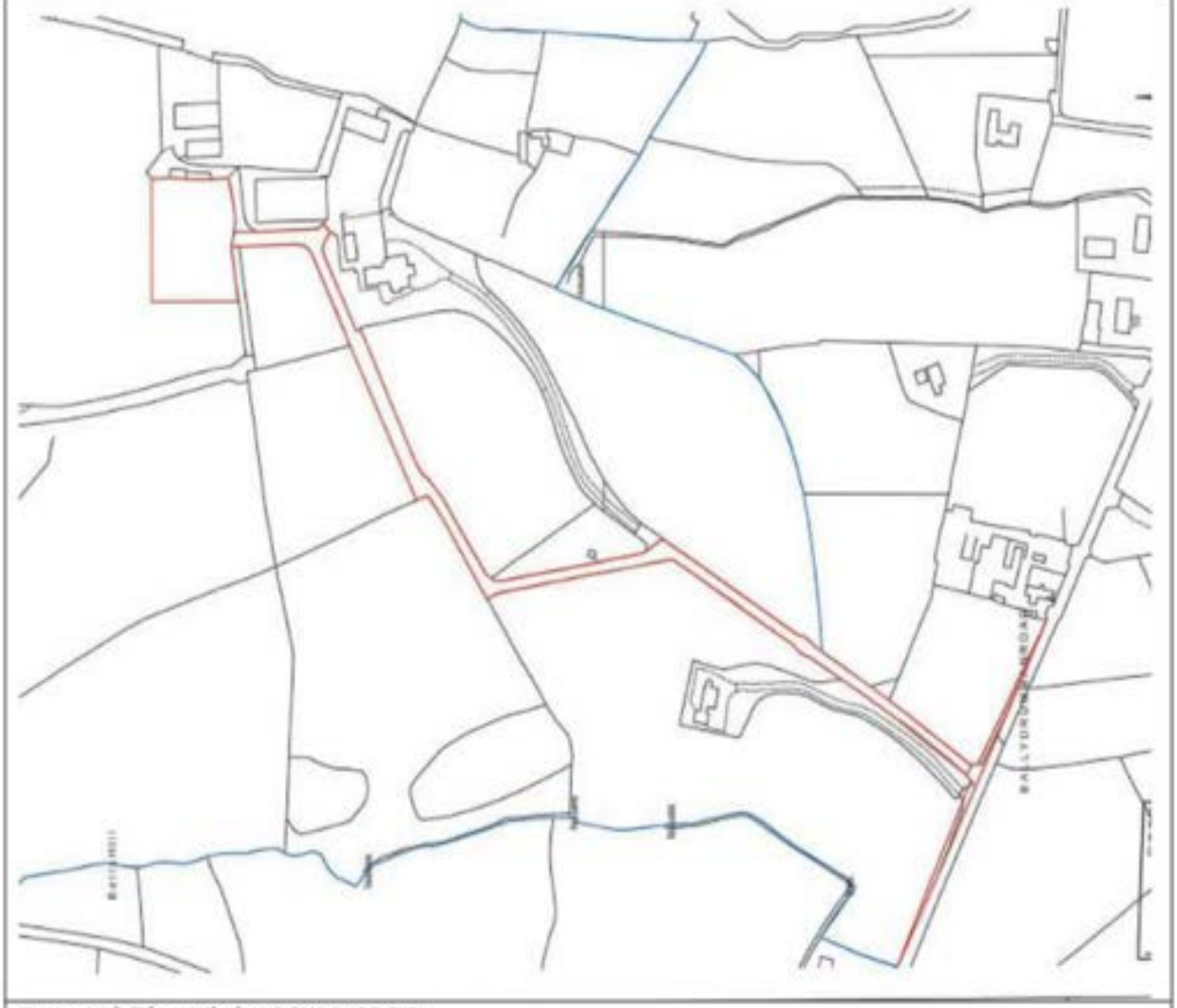
Representations:
The application was advertised in the local press and neighbours notified as detailed above and to date there have been no objections received in relation to the application.

Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	

Summary of Issues:

Site Visit Report

Site Location Plan:



Date of Site Visit: 13.11.2025

Characteristics of the Site and Area

The site in question is located off an existing lane that serves a dwelling house and agricultural buildings and farmlands off the Ballydrumman Road. The site is within a portion of an agricultural field of undulating topography and that is bounded to the east with an agricultural field gate and stone out building and to the south with field boundary planting with the remaining boundaries not being defined. The lands to the north of the site gradually incline and the site is within a drumlin type topography. Given the distance from the road there is little appreciation of the site from any public viewpoints.

The site is not located within any settlement development limits as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site within the Mourne Area of Outstanding Natural Beauty and also lies within an area of land identified as the Mourne

Foothills. The site is also constrained by lands liable to surface water flooding however this appears to be around the access and not within the main body of the site.

Description of Proposal

Proposed dwelling on a farm under Policy CTY10 of PPS21

Planning Assessment of Policy and Other Material Considerations

Planning History

LA07/2024/0971/O - Proposed replacement dwelling & garage - Approx 100m SE of 6 Ballydrumman Road, Derryneill, Ballyward – Approval – 26.11.2025

Q/1993/0293 - Erection of dwelling - 220 Metres North West Of No8 Ballydrumman Road Ballyward – approval – 17.08.1993

Q/2008/0442/F - Erection of 2 no carports (change of garage type) and domestic stable block with feed and tack stores - 200 metres north east of no.8A Ballydrumman Road, Ballydrumman, Castlewellan – Approval – 18.09.2008

Q/2007/0283/F - Erection of dwelling with double garage, store, boiler house and carport. (Change of house type) - 200 Metres North-East of 8A Ballydrumman Road, Ballydrumman – Approval – 23.10.2007

Q/2005/1108/F- Erection of dwelling with garage and stores - 200 metres north east of 8A Ballydrumman Road, Ballydrumman – Approval – 26.06.2006

Q/1993/0030 – site for a replacement dwelling - Adjacent To No8 Ballydrumman Road Ballyward Castlewellan – Approval 26.03.1993

Supporting Documents

NI Bio diversity checklist was submitted with the application.

Consideration And Assessment

The following documents have been considered during this assessment.

- Banbridge, Nerwy and Mourne Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland (2nd Edition)
- PPS 2 Natural Heritage
- PPS 3 - Access, Movement and Parking

- PPS 15 (revised) Planning and Flood Risk
- PPS 21 - Sustainable Development in the Countryside
  - CTY 1 - Development in the Countryside
  - CTY 10 Dwellings on Farms
  - CTY 13 - Integration and Design of Buildings in the Countryside; and
  - CTY 14 - Rural Character
- Building on Tradition – a sustainable design guide for the northern Ireland countryside.

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

The SPPS is no more prescriptive than the policies laid out in PPS 21 therefore the application is considered initially under PPS 21 Sustainable Development in the Countryside Policy CTY 10 Dwellings on Farms.

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

(a) the farm business is currently active and has been established for at least 6 years.

DAERA have confirmed that the farm business has been established for a period of 6 years or more and that farm payments have been claimed for each of the last 6 years in relation to said business.

DAERA do note that the field the application site is located within has been claimed by a different business to the one noted on the P1C last year.

Clarification was sought in relation to the DAERA response and the applicant has indicated that the field the application sited within has been let in conacre thus the DAERA response. The applicant advises that the site will be brought back into the farm business but the 2025/2026 claim period for the existing farm business excludes this field.

Clarification was also sought in relation to the use of the farm buildings and the applicant confirmed the buildings had not been let to any business and remained operational under the farm listed. Having inspected the buildings they remain in agricultural use and there would be nothing to dispute the applicants claims as set out above.

The lands associated with this application are not currently operating as part of the farm business this application has been made under, these lands could contribute to an additional farm business in the seeking of a dwelling under the same policy. While not entirely comparable with this situation there can be similarities drawn from appeal

2024/A0025 whereby the application site is currently associated with a different farm business.

DAERA also note that the applicant is not a formal member of the farm business as registered with DAERA, again the applicant provided explanation that the farm business remains in the name of his father and sister who currently farm the land while he owns the land, it remains the fact that the applicant has no formal association with the farm business.

The agent has submitted a letter in support of the application with both people who are named on the business having signed it stating that they are aware of the planning application having been made by Mr Herron. The letter however also confirms that the ground had been set to a neighbouring farmer for silage thus confirming the site is being let out in conacre to another farmer associated with a separate farm business.

This aspect of policy has not been comprehensively met.

(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.

The agent has not identified any properties or development opportunities as having been sold off from the holding in the last 10 years.

The DAERA farm maps have been considered and the following planning history is noted:

LA07/2024/0719/F - Proposed erection of dwelling and detached outbuildings (change of house type and siting in substitution of previous planning approval ref: Q/2008/0330/RM) - 14 Herons Road, Castlewellan, BT31 9SR – pending (J Scott)

Q/2008/0330/RM - Erection of dwelling and detached garage - Opposite 15 Herrons Road, Leitrim – approval – 27.10.2008 – (Mr E Gilmore)

Q/2004/0379/O - Site for dwelling and garage - Opposite 15 Herons Road, Leitrim, Castlewellan – 26.07.2005 – approval (Mr E.W Gilmore).

The planning history above is located on a site adjacent to agricultural lands associated with the farm business however the planning history does not link the site to the business at any stage.

There is nothing in the planning history to demonstrate that any development opportunities have been sold off from the holding within the last 10 years from the date of the approval.

(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).**

The proposed dwelling is sited in an existing agricultural field located adjacent to the existing farm yard, there is a large old stone barn immediately adjacent to the site and east of this are an additional more modern sheds, there are buildings (plural) adjacent to the site that can be used for clustering in order to fulfil this element of policy.

The access is proposed off an existing access lane and no further lanes or means of access will be required in order to gain access to the site.

In addition to the assessment of CTY 10, CTY 13 is considered.

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

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

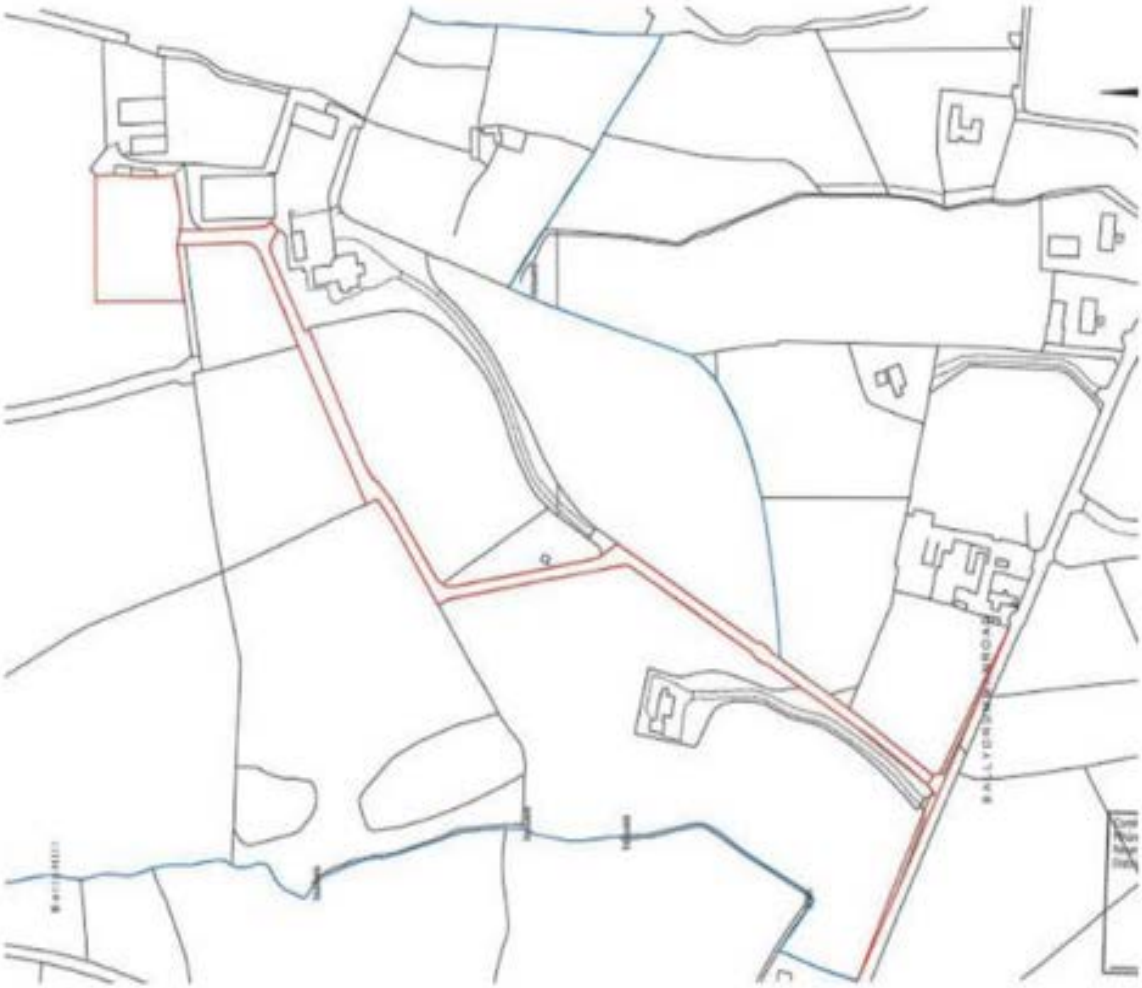
The site is located well off the public road, further behind existing substantial development being the applicants house and outbuildings that while are large in size and scale, do themselves integrate successfully. The lands within the red line of the application site are considered to be able to be develop. The ancillary works required to accommodate and develop the site will also be minimalised given that the development will share an existing access lane and necessary services such as electric etc are in close proximity to the site at neighbouring development. The location of the site within the landscape and its relationship with existing buildings at this location will ensure the development is not prominent in the landscape. It is not considered that there will be any overly restrictive conditions required to the design to ensure successful integration.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
(c) it relies primarily on the use of new landscaping for integration.

The site is defined on two sides with either built development or planted hedgerow, the remainder of the site is not defined however given the remote nature of the site and the topography of the site the existing topography and planting and site boundaries are adequate to screen the site and while further boundary definition is required the site will not rely on the planting in order to be able to integrate into the surrounding landscape.

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

The site in question uses an existing lane, as the site location map shows therefore there will not be further impacts from the creation of new lanes, this is especially important given the length of the lane used to access this site. The application seeks permission for a dwelling only therefore ancillary buildings do not necessarily require assessment however the site could accommodate ancillary buildings in the future subject to relevant permissions. Necessary services can be accommodated at the site without there being unacceptable impact on the surroundings of the site. The site does not occupy a flat site or exposed hill and the ancillary lane which is the ancillary feature most likely to impact in this instance given the extent of the lane. This aspect of policy has not been offended.



The site location shows the extent of the red line noting that the access lane shown is fully in place at present serving a dwelling and additional farm lands and buildings.

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

As this is an outline application the full design has not been presented however the site is considered and it is noted that the topography of the site, its screened position and the surrounding development reduce the need for any restrictive conditions in order for the dwelling proposed to be acceptable within the setting. Full consideration can be given to the design during the reserved matters application assessment however it is considered that a suitably designed dwelling can be accommodated on this site without resulting in inappropriate development within the landscape.

Amenity

The development is sufficiently removed from other development so as to not result in any harm to or impact on the amenity of existing dwellings.

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

This aspect of policy has been considered and a suitably designed dwelling designed in accordance with building on tradition would be considered to be acceptable. full consideration to this aspect of policy can be given at subsequent application stages. There are sufficient lands surrounding the site that will help aid integration of the development

(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.

Consideration has been given to this aspect of policy already within the report under CTY 10 and there are a collection of agricultural buildings that the site sits adjacent to therefore this aspect of policy is considered to be met. The photo below shows the site to the right hand side of the photo and clear clustering and visual linkage to a stone barn and additional sheds being the existing farm complex associated with the business.



Consideration of CTY 14

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:

(a) it is unduly prominent in the landscape.

As previously discussed within the report a suitably designed dwelling can be accommodated within the landscape without the development being unduly prominent in the landscape. There are buildings within close proximity to the site that are considerable in size and scale and are considered to integrate into the landscape and it is considered given the context of the site that a building on the site could be accommodated without it resulting in undue prominence.

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

Given the remote location of the site and limited views from public view points and also having account of the existing development in the proximity to the site it is not considered that the development of this site will alter the overall character context of the area and will not alter the overall character of the area or result in a suburban style build up of development at the site.

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

Given the length of time policy requirements have resulted in development of dwellings adjacent to existing farm buildings the development of this site immediately adjacent to existing farm buildings respects both historical character of farmhouses locating adjacent to farm buildings and current policy requirements. The development of the site would not be at odds with the existing settlement within the area.

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

The only other development on this side of the lane is a stone outbuilding, the development of the site is directly behind this building but given the track of the lane there will be an instance where two buildings will appear together however this does not result in the creation of a ribbon of development being 3 or more buildings in a row. This development will not create or add to a ribbon of development along the lane which is noted as private.

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

As covered previously within this report the ancillary works can be accommodated without causing damage to rural character.

Consideration Of PPS 2 Natural Heritage

The provisions of NH 2 and NH 5 are considered, it is noted that the ground is in agricultural use at present and maintained. There are no features within the site that require removal or that will be negatively impacted upon as a result of the development in terms of natural heritage.

A bio diversity checklist has been submitted and while question 7 of part one has been incorrectly answered as the site sits within the Mourne Area of Outstanding Natural Beauty ands as such will require assessment under the EIA regulations 2015 an ecological assessment was completed and submitted in relation to the application by a suitably qualified ecologist and draws satisfactory conclusions with no further studies required.

As the site lays within the Mourne Area of Outstanding Natural Beauty the application is considered against NH 6 Areas of Outstanding Natural Beauty.
It is considered that a suitably designed dwelling can be accommodated on the site that can respect the character and appearance of buildings within the area and can respect

the overall architectural styles and patterns within the area, further consideration can be given to design at RM stages.

Consideration Of PPS 3 Access, Movement And Parking

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

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

DFI Roads have considered the proposed access and consider it to be acceptable subject to conditions, on this basis it is not considered that the works will have any detrimental impacts on road safety or inconvenience road users or the flow of traffic.

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

The Ballydrumman Road is not a protected route, it is not considered that the development of this site will have any direct bearing or cause conflict onto protected routes.

Neighbour Notification Checked Yes

Summary of Recommendation:

Based on the assessment above a recommendation of refusal is made for the reasons set out below.

Reasons for refusal:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

The proposal is contrary to the Strategic Planning Policy Statement 2nd Edition and to Criterion (a) of Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the application site forms part of a farm business which is currently active and has been established for at least six years.

Case Officer Signature: Fionnuala Murray Date: 06 January 2026
Appointed Officer Signature: B.Ferguson Date: 09/01/2026

Planning Committee Schedule of 25th February 2026

Planning reference: **LA07/2024/0969/O**

Proposal:
Proposed dwelling on a farm under Policy CTY10 of PPS21

Applicant: **Mr W Herron** **Recommendation: Refusal**

Refusal Reasons:

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY 1 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 2nd Edition and to Criterion (a) of Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the application site forms part of a farm business which is currently active and has been established for at least six years.

Site context and background.

The application site is located off an existing lane that serves the applicants dwelling house and agricultural buildings and associated farmlands off the Ballydrumman Road. The site is within an agricultural field with undulating topography and that is bounded to the east with an agricultural field gate and stone out building and to the south with field / laneway boundary fence and hedging with the other boundaries not as yet being defined. The lands to the north of the site gradually rise and the site is within a drumlin type topography. The proposed site is located to the rear of the applicants dwelling and yard and is secluded from public views due to its location which is some distance from the public road.
The application site is not located within a settlement / development limits as defined in the Banbridge, Newry and Mourne Area Plan 2015 which is the current relevant area plan. The site within the Mourne Area of Outstanding Natural Beauty and also lies within an area of land identified as the Mourne Foothills.
The applicant is the land owner and the farm business operates in the name of his father and sister (which is historical) and as has been explained to the Planning Department not all the owned lands are farmed under the Farm Business ID, some are farmed by a neighbouring farmer under his own Farm ID under the con-acre agreement system but it is envisaged that all owned farm land will revert to the family farm business in the next few years when it is envisaged that the applicant will join the established farm business ID

Refusal Reason 1.

The development of a dwelling on a farm under Policy CTY10 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is for a dwelling on an active farm and it meets with criteria and is compliant with SPPS and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1.

Refusal Reason 2

The farm business under which this application is submitted is active and established and is operated by the applicants father and sister on the lands owned by the applicant, this has been a historic position as the applicant's father originally owned the land and farmed it with is daughter prior to the ownership moving to the applicant who chose to allow the farm business as registered to continue as was and did not register as a member of the business (this can be done but it is not envisaged that this will happen until Mr Herron Sen passes).
To provide further clarity to The Councils Planning Department a statement was sent in to address the matters raised in DAERA comments, this clarified the owner of the land as been Mr Herron while the land was farmed by his father and sister under the active farm business and that other lands owned were leased in con-acre, this statement was signed by all the parties.

Other Agencies

The proposed site meets with other considerations by other consultees and agencies -

DFI Roads response-- No Objections subject to Condition and RS1.
Environmental Health – No Objections provided the dwelling is associated with the adjoining farm.
NI Water No objections to the proposal.
DFI Rivers Responded as follows FLD1-proposal does not lie within 1 in 100 year fluvial or 1 in 200 year costal flood plain, FLD2- N/A, FLD3-Drainage assessment not required, FLD4- N/A, FLD5-N/A
Rivers Directorate – Site does not lie within 1 in 100 year climate change fluvial flood plain and or 1 in 200 year climate change costal flood plain.

No objections from neighbours or the publicity process.

Conclusion

The site as chosen complies with the requirements of a dwelling on a farm as the land is in the ownership of the applicant and is leased to another farm business under a con-acre agreement. This site remains in the ownership of the applicant and the current con-acre agreement allows the user to claim the entitlements but does not prevent the owner from using his land to carry-out development as applied for.

The Council's Planning Department have approved similar development previously as it is acceptable for a land owner only to farm a portion of the owned land under a farm business and to lease other owned lands to other farm business under the con-acre agreement arrangements to other farm business who can claim the required entitlements.

The applicant / land owner wishes to develop a dwelling adjacent to his home on owned lands which are currently leased in con-acre to an adjacent farm business while the existing active farm business supports a dwelling on the basis of the farm business.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development, the development of a farm dwelling supported by the active farm business of the applicant's lands within his ownership are in line with the Policy, it is fact that the chosen site is within his ownership and he will not be relaying on other farm businesses as they merely lease the surplus land owned by (Mr Herron) the applicant and it is considered his right to develop his own lands.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/1017/F	**Target Date:**
Proposal: Erection of house and garage on farm as per PPS21 CTY10.	**Location:** On lands 70m east from 66 Drumnaconagher Road, Downpatrick
Applicant Name and Address: James Green 64 Drumnaconagher Road Downpatrick BT30 9JH	**Agent Name and Address:** William Wallace 9 Crossgar Road, Dromara Dromara BT25 2JT
Date of last Neighbour Notification: **Date of Notification Expiry:**	28.08.2025 11.09.2025
Date of Press Advertisement: **Date of Press Ad Expiry:**	08.10.2025 22.10.2025

ES Requested: No

The site in question is below 0.5ha, initially the site exceeded 0.5ha when the access lane was included however the red line of the application site itself has since been reduced to bring the overall size of the site below 0.5ha – the development falls under 10b urban development projects of The Planning (Environmental Impact Assessment) Regulations (NI) 2017.

Whilst falling under 10B the site does not does not exceed the threshold of 0.5ha in site area and is not within a sensitive area therefore no further screening is considered necessary.

The Planning (Development Management) Regulations (NI) 2015 are also considered and given that this development that does not exceed 50 units on ground less than 2ha in size this development is not considered to be major development.

Consultations:

DFI Roads was consulted and initially responded advising that the application was unacceptable as submitted, amendments were submitted and upon re consultation DFI Roads offered no objections.

Environmental Health was consulted and responded with no objections to the application – informatives were given.

DFI Rivers was consulted and taking account of the content of the response DFI Rivers have offered no objections.

NI Water was consulted and responded with no objections.

DAERA was consulted and responded advising that the farm business number supplied with the application has been in existence for more than 6 years, the farm business is a Category 1 business ID and the farm business has claimed payments through the Basic Payment Scheme or Agric Environment Scheme in each of the last 6 years. DAERA also comment that the field the site is located in has been claimed under BPS from 2019 to 2024 by the business listed on the application.

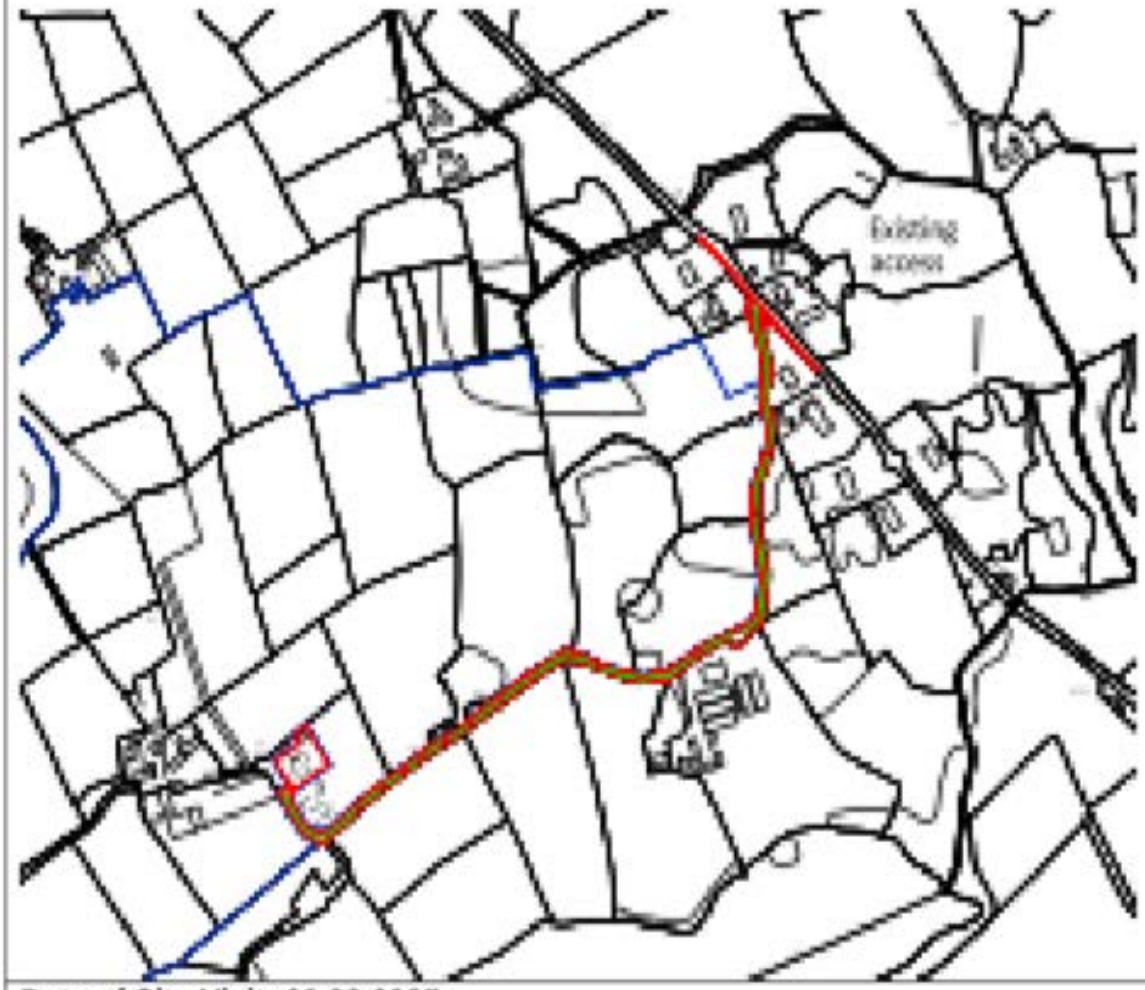
Representations:
The application was advertised in the local press and neighbours notified initially, due to inaccuracies in the initial site address the application was re advertised and neighbours re notified as detailed above and to date no representations have been made in relation to the application.

Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	

Summary of Issues: No outstanding issues as a result of the publicity or notification process.

Site Visit Report

Site Location Plan:



Date of Site Visit: 20.08.2025

Characteristics of the Site and Area

The site is located in open countryside not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located on agricultural lands site in close proximity to a farm complex and residential dwelling known as 66 Drumnaconagher Road. The field the site is located in rises from a western to eastern direction. The site is located down a considerable private lane that serves a number of residential dwellings, farm buildings and agricultural lands. The site is bounded on all sides by mature field hedgerow and the site is currently grazed agricultural lands.

The site is located in open countryside and is not highly visible closely from any public view points. There are a mix of styles of designs within the area. In terms of constraints the site is located within an area liable to surface water flooding. There is a public right of way on part of the public lane serving this site. No other constraints have been identified.

Description of Proposal

Erection of house and garage on farm as per PPS21 CTY10.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/2003/0279/O - Adjacent to 68 Drumnaconnagher Road, Crossgar, Downpatrick – Single storey rural style dwelling – approval – 04.03.2004

R/2005/0247/O – Adjacent to 68 Drumnaconnagher Road, Crossgar, Downpatrick – Erection of single dwelling – Refusal – 08.12.2005

R/2005/1177/F - 66 Drumnaconnagher Road, Crossgar, Downpatrick - Farm Building (Portal Frame Structure) – approval 14.01.2006

Consideration and Assessment

The following policies are considered:

Ards and Down Area Plan 2015
SPPS - Strategic Planning Policy Statement for Northern Ireland 2nd Edition
PPS 2 Natural Heritage
PPS 3 - Access, Movement and Parking
AMP 2 - Access to Public Roads
PPS 15 Planning and Flood Risk.
PPS 21 - Sustainable Development in the Countryside
CTY 1 - Development in the Countryside
CTY 10 Dwellings on Farms
CTY 13 - Integration and Design of Buildings in the Countryside; and
CTY 14 - Rural Character
Building on Tradition – a sustainable design guide for the northern Ireland countryside.

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

The SPPS is no more prescriptive than the policies laid out in PPS 21 therefore the application is considered initially under PPS 21 Sustainable Development in the Countryside Policy CTY 10 Dwellings on Farms.

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

(a) the farm business is currently active and has been established for at least 6 years.

DAERA was consulted in relation to the P1C, and farm maps submitted in relation to the farm business. DAERA responded stating that the farm noted on the P1C has been in existence for more than 6 years and the business has been in receipt of farm payments and the application site is on lands currently being claimed by the farm business.

On the basis of the DAERA response it can be concluded that this part A of CTY 10 has been met.

(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.

The DAERA farm maps have been considered and the land identified on these maps as being associated with the farm business have been searched and there is no relevant planning history associated with the holding identified. On the P1C form submitted no planning histories of site sell offs have been identified by the applicant/agent. Taking account of information available no dwelling sell offs or development opportunity sell offs have been identified as having been sold off from the farm holding within 10 years of the date of 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.

The site chosen is situated across the lane from the farm dwelling and associated outbuildings relating to the farm business this application seeks permission under. Generally, it is not acceptable to group across a road or lane from the farm buildings as this is an unacceptable separation that creates visual distance and does not allow for clustering. In addition to the site being across the lane from the farm buildings the closest field across the lane from the buildings has not been chosen. In addition to this there appears to be sufficient space immediately adjacent to the cluster of buildings that could accommodate a dwelling that can meet this aspect of policy. The agent was afforded an opportunity to demonstrate why more suitable sites could not be utilised and while the agent has provided justification it is not sufficient to allow a deviation from policy in allowing a site to be chosen that cannot meet policy requirements.



The star shows the site in question, there is clear separation from the farm buildings. The low visibility of the site is acknowledged however it is noted that the site is accessed via a public lane part of which has a public right of way along it therefore it cannot be relied upon that the site has limited visibility from public view points.

Taking account of the character of the site and the availability of a number of more suitable sites it is not considered that the site chosen meets the requirements of CTY 10

Consideration of CTY 13 Integration and Design of Buildings in the Countryside

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

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

The dwelling proposed is a two storey dwelling with storey and a half rear return, the main height of the dwelling is 8.4m in height with the rear return set down off the main ridge measuring 7.8m from ground. The rear return is 5.1m long and cuts into an existing hill. The site gradually rises from east to west and a level of cut and fill will be required to accommodate the dwelling, the dwelling can however make use of the existing rising ground as a backdrop. The Dwelling will protrude above the skyline of the lands to the rear of the site with levels at the top of the hill being 101.835 and the proposed finished floor level being 97.800 and a height from ground of 8.4m in height but again taking account of the limited views of the site it is not considered that this dwelling will be a prominent feature within the landscape and there is an element of back drop to

accommodate the dwelling. Taking account of key views into the site and distances of public roads and public view points into the site it is not considered that this aspect of policy has been offended. This assessment is based on amended plans with a reduced rear return.

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

The site can make use of existing boundaries with there being natural field boundaries on all site boundaries and given the access is out onto a lane there will be limited removal of hedging required to create an access into the site from the lane used to access the site. Due to the opening of an access to the front of the site some exiting vegetation will be lost, it is also noted a new boundary will be required to the eastern boundary as the site to define the curtilage and separate from the remainder of the field.

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

The site will benefit from additional planting but will not rely on it in order to integrate into the wider area. The additional planting is required to define a boundary with the three other site boundaries being well defined at present with mature field row hedging and planting.

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

The ancillary works including the necessary ground works to accommodate the dwelling, the ancillary structure being the garage and the provision of the access and necessary services are considered. The garage to be provided is a storey and a half style garage and is to be set back into the site and is subordinate to the main dwelling to be constructed. The overall design, materials and finishes of the garage generally respect the main dwelling to be constructed.
The site can make use of an existing lane that serves a number of dwellings and agricultural lands and the lane will not require any extension to serve the dwelling with a driveway being taken directly off an existing lane, there is not the excessive use of hard standing within the site with sufficient room for turning and parking of cars.
The septic tank and soakaway are contained within the site and are in excess of 15m from other residential properties. Necessary services such as water and electric are in close proximity to the site and it is not envisaged that there will be any substantial works to provide all necessary services at the site.

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

The size and the scale of the development is acknowledged and the sizeable rear return is also noted, the size, scale and appearance of the rear return of the development was not considered acceptable, the agent was made aware of this and submitted amended plans reducing the overall size and scale of the rear return resulting on an overall acceptable design. It is also noted there are limited long distance views of the site and views off the public lane will be acceptable. The backdrop of the site is also taken into consideration, this will help integrate the development.

The overall design does contain elements of design characteristic of rural areas including the overall solid to void ratio albeit the front elevation does contain a number of windows but in breaking them up with mullion type breaks which increases the vertical emphasis. The chimneys are internal and expressed on the ridge. Finishes are acceptable.

Amenity

The site is not in close enough proximity to any other residential dwelling within the vicinity so as to have any detrimental impacts in terms of loss of amenity or disturbance.



The elevations shown above are of the initial scheme.



The above is the amended design, considered an improvement albeit with a higher ridge, it remains set down from the main dwelling.

Amenity

The site is not in close enough proximity to any other residential dwelling within the vicinity so as to have any detrimental impacts in terms of loss of amenity or disturbance.

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

The dwelling will sufficiently blend with the existing landform; there is an element of cut required given the sloping site however it is not considered that the provision of the dwelling would result in an unacceptable alteration of landform and can be accommodated within the existing slope. It is noted that no trees are required to be removed to accommodate this dwelling.

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

This policy consideration has been covered earlier in the report under CTY 10 and is considered that the site does not visually link or cluster with the established group of

buildings on the farm with clear separation between the site chosen and existing buildings.

Consideration of CTY 14 Rural Character

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:

(a) it is unduly prominent in the landscape.

The site can make use of the existing topography of the site and lands to the rear to act as a backdrop and ensure the works do not result in prominence in the landscape.

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

The number of buildings at this location and the positioning and relationship between each other is considered and the provision of the dwelling and garage at this location will not result in an overall change of character and will not result in a suburban style build up of development at this location. The cumulative impact of the dwellings have been considered and it Is not considered it will result in an overall change of character in the area.

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

The works in terms of siting and design of the dwelling and garage will not detract from the existing pattern or settlement within the area. Intervisibility of the proposed building with existing and approved development is considered and it is not considered that the development of the site will detract from or change the overall character and settlement pattern in the area.

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

With no development either side of the proposed site the works will not result in the creation or addition of a ribbon of development as per Policy CTY 8.

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

As discussed previously within the report the ancillary works are not considered to be likely to have an unacceptable detrimental impact on rural character and are sufficient

to serve the dwelling whilst respecting the overall character and appearance of the rural area.

Consideration of PPS 3 Access, Movement And Parking and PPS 21 Consequential Revision AMP3

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

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

Amended plans have been submitted by the agent that have satisfied DFI Roads that an acceptable level of splays can be achieved. The agent has also amended the P1 form to indicate that the works include works to the access. DFI Roads are satisfied subject to conditions that the access arrangements will not inconvenience the flow of traffic significantly, it is noted that this is an existing access serving a number of properties at present.

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

The Drumnaconagher Road is not a protected route therefore policy AMP 3 nor the consequential revision are applicable in this instance.

Consideration of PPS 2 Natural Heritage

The application site is currently grazed agricultural pasture and the vast majority of hedging and planting associated with the site is to be retained. Some planting at the point of sight splays will require removal or alteration however the level of works is minimal. Taking account of the works and the characteristics of the site it is not considered that any further surveys are required.

It is considered that the provisions of PPS 2 have been considered and the application will not offend any provisions set out within PPS 2.

Neighbour Notification Checked	Yes

Summary of Recommendation:

Having considered the application as detailed in the above report a recommendation of refusal for the reasons set out below.

Drawings: P01C, P02a and P03

Reasons for refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no over-riding reasons to justify that the development is essential in this rural area.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policies CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: - the new building is not visually linked or sited to cluster with an established group of buildings on the farm.

Case Officer Signature: Fionnuala Murray

Date: 23.01.2026

Appointed Officer Signature: B.Ferguson

Date: 23/01/2026

Delegated Application

Development Management Officer Report	
Case Officer: Elaine Eastwood	
Application ID: LA07/2024/1471/F	**Target Date:**
Proposal: Proposed New Dwelling & Detached Garage	**Location:** Lands Immediately South of No. 24 Lower Carrogs Road, Newry, BT34 2NQ
Applicant Name and Address: Jonathon Matthews 30 Hilltown Road Mayobridge Newry BT34 2HJ	**Agent Name and Address:** Damian Morris 10 Trevor Hill Newry BT34 1DN
Date of last Neighbour Notification:	13 August 2025
Date of Press Advertisement:	11 December 2024
EIA Determination:	
Consultations: • *DFI Roads*- No objections in principle, conditions provided. • *NI Water*- Approval	
Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: No objections or submissions have been received. No objections from consultees have been received.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 14/05/2025

Characteristics of the Site and Area

The application site comprises an agricultural parcel of land comprising a corner site. The site is adjoined to the north by No 24 and to the west by No 20. The site is adjoined to the east and south by laneways. The gradient on the site falls from the east towards the west and No 20. The site boundaries are formed by a mix of low stone wall with wire and post fencing above along part of the northern and eastern boundaries, remaining boundaries are formed by wire and post fencing. The site is located outside any defined settlement limits and outside of the Mourne Area of Outstanding Natural Beauty.

Description of Proposal

Proposed New Dwelling & Detached Garage

Planning Assessment of Policy and Other Material Considerations

Planning History

LA07/2016/1486O- Proposed corner infill site for a new dwelling and garage on lands immediately south of No 24 Lower Carrogs Road, Newry.

The application was recommended for refusal by the Planning Department for the following reasons:

1. The proposal is contrary to Policy CTY 1 and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation to a of ribbon development along a private lane.
2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore further erode the rural character of the countryside.

The application appeared before Planning Committee and the recommendation was overturned. Outline planning permission was approved on 28th March 2017 subject to 12 conditions. No application for reserved matters was submitted and the outline approval expired 28th March 2022.

Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Building on Tradition Sustainable Design Guide
- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside

Banbridge/ Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

There is no significant change to the policy requirements for infill 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

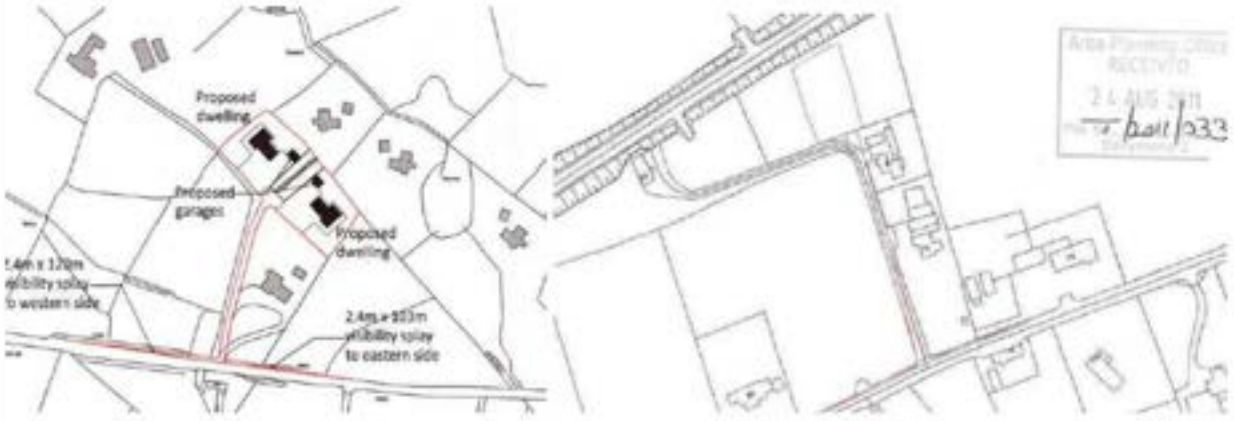
Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application 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.

PPS21 Sustainable Development in the Open Countryside

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. 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.

The application was accompanied by a Design and Access Statement which details the principal of development for an infill gap site was originally established under the previous outline approval LA07/2016/1486/O. It further states "*There are several appeal decisions which confirm that a bend in the laneway does not mean that the existing dwellings are not part of the same frontage.*"

References to Appeals 2015/A0091 and 2013/A0037 were also made. The layout of appeal's 2015/A0091 and 2013/A0027 are shown below. They are not considered to be comparable to the proposal as all buildings were located along the one frontage, not along two frontages.



On 9th July 2025 the Planning Department advised that it is considered that the proposal relies on two frontages and the application site does not constitute a gap site, as it is not part of a singular frontage which is substantial and continuously built up. As this application fails to meet the policy requirements of Policy CTY 8, it also fails to comply with Policy CTY 1 of PPS 21. The proposed dwelling would create a ribbon of development along a private lane and therefore also contrary to criterion d of Policy CTY14. On this basis, the application is likely to be recommended for refusal.

On 29th July the Agent submitted a Supporting Planning Statement from Donaldson Planning. The statement outlines:

- The laneway adjoining the site is one continuous lane which physically links No's 20 and 24, reference to Appeal 2015/A0091 is made.

- The corporate conclusion of the Council was to approve the previous application. The policy context has not changed in any way. It would be wholly inconsistent (and indeed Wednesbury unreasonable) for the Council to now take a different view of the proposal when there has been no change in policy or circumstances. Reference to Para's 23 and 24 of Appeal 2024/E0019 which notes that "*a pre-existing permission may still be a relevant or material circumstance which a planning authority is permitted to take into account. The fact that it is in no way bound by a previous planning permission which has expired does not mean that it is forced to wholly disregard that pre-existing permission.*"

  However, the Statement submitted omits the conclusion at Para 33 that "*Given the previous planning permission was not implemented and is time expired I do not consider it to have determining weight*".

- Reference to Appeal 2018/A0006 is made with the commissioner noting there had been no change of circumstances since a previous decision. A copy of this decision is not available to view on the PAC website and a full copy has not been provided to allow Planning to comment on this.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken (Reference 2016/A0040):

a) Identify if there is a substantial and continuously built-up frontage
b) Establish if the gap site is small sufficient only to accommodate a maximum of two houses
c) Determine if 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.

Assessing the application under CTY8, the application site is not considered to form part of a substantial and continuously built up frontage, two separate frontages are used to justify that this is a gap site when policy relates to a singular frontage. This not the continuation of the same frontage. The proposal fails to meet this policy requirement.

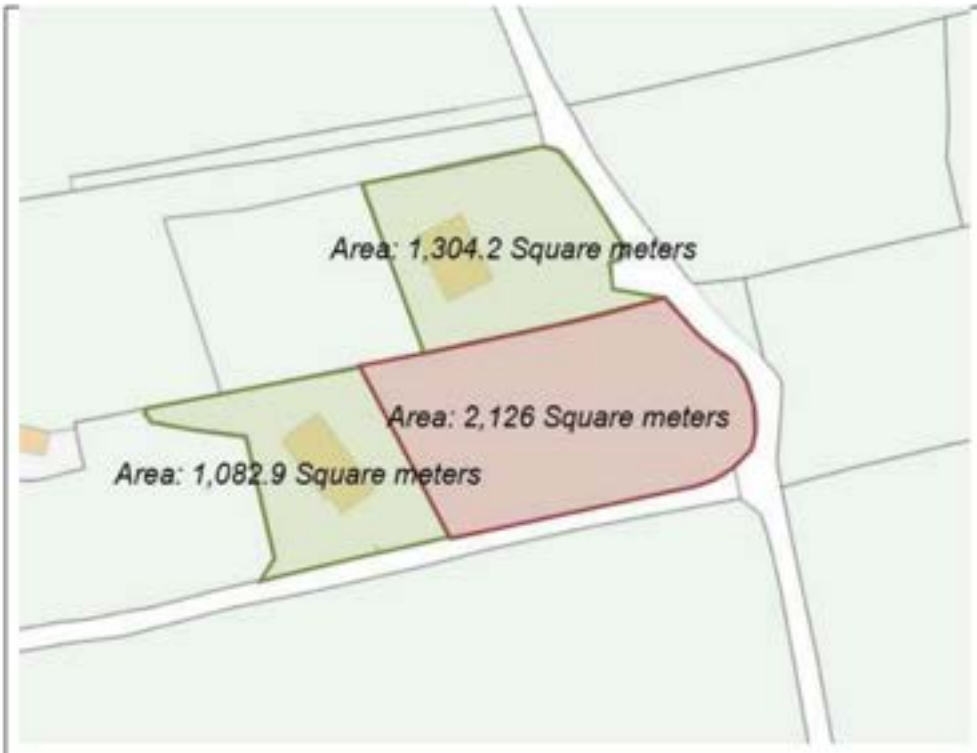
In appeal 2013/A0210 (Tullygarden Road), the applicant relied on buildings within two frontages to achieve the policy requirement of three or more buildings. The Commissioner stated that "This approach is not supported by Policy CTY 8." This situation is directly comparable with this planning application; two frontages exist and are being used as one despite this approach not being supported by policy. The use of these two frontages is therefore not acceptable. The site location plan for this application is shown below:



The application site is also not part of a substantial and continuously built up frontage. Policy CTY 8 defines a substantial and built up frontage as one containing a minimum of three buildings along a road frontage with no development to the rear. Even if the two frontages were to be accepted as one, there is not a substantial and built up frontage.

West of the site is no.20 Lower Carrogs Road which has a frontage, further west is a gap site and beyond the gap is no.18 Lower Carrogs Road which has a frontage. There is no line of three buildings in which the application site falls on a single frontage. The application site provides relief and a visual break which should be protected.

The plot sizes of No's 18 and 20 in comparison to the application site are shown below. The application site is significantly larger than the adjoining plots, emphasising the important of the visual break which it provides.



Overall, this planning application fails to comply with Policy CTY 8 in that the application site is not gap site as it is not part of a singular frontage which is substantial and built up and it does not respect the existing development pattern in the area. As this application fails to meet the policy requirements of Policy CTY 8, it also fails to comply with Policy CTY 1 of PPS 21. The proposed dwelling would create a ribbon of development along a private lane.

The previous expired outline approval is noted, however, this is considered a poor planning decision and it would not be in the public interest that such decisions are repeated.

Policies CTY13 and CTY14.

Policy CTY13 states that planning permission will be granted for a building in the countryside where is can be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling is a mix of single and one and a half storey with a ridge height of 5.5.m. Given the siting low ridge height and that the massing of the dwelling and garage are broken up, it is considered the proposed dwelling and garage would not appear as unduly prominent in the landscape. New hedgerow boundaries are proposed to the southern and western site boundaries which will further aid integration.

However it is considered additional development at this location would result in a suburban style build-up of development when viewed with existing and approved buildings and would also result in ribbon development.

However, as outlined above, the proposal will create a ribbon of development which is contrary to criterion d of Policy CTY14.

Policy CTY16
Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The application has outlined on the P1 form that a package treatment plant is the proposed means of disposing sewage.

It is considered that the application site is of a sufficient size to accommodate the dwelling and garage whilst also achieving sufficient separation distances between the proposed package treatment plant and adjacent properties. A condition will be attached to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site.

PPS3- Access, Movement and Parking
DFI Roads have been consulted on this application have no objections in principle.

PPS2- Natural Heritage
The application site lies outside any Areas of Outstanding Natural Beauty and currently comprises an agricultural field with wire and post or stone wall boundaries. The proposal seeks to include new hedgerow boundaries to two boundaries which will increase the landscaping on the site. The proposal is not considered to impact on any habitats or species.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

Reasons for Refusal:

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

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development along the laneways, the proposal does not respect the existing pattern of development along the frontage, and there is no substantial and continuously built up frontage.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore further erode the rural character of the countryside.

Case Officer Signature: E. Eastwood

Date: 10 December 2025

Appointed Officer Signature: M Keane **Date: 10-12-25**

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Mark Keane	
Application ID: LA07/2024/1471/F	**Target Date:**
Proposal: Proposed New Dwelling & Detached Garage	**Location:** Lands Immediately South of No. 24 Lower Carrogs Road, Newry, BT34 2NQ
Applicant Name and Address: Jonathon Matthews 30 Hilltown Road Mayobridge Newry BT34 2HJ	**Agent Name and Address:** Damian Morris 10 Trevor Hill Newry BT34 1DN
Date of last Neighbour Notification:	13 August 2025
Date of Press Advertisement:	11 December 2024
EIA Determination: N/A	
Consultations: • *DFI Roads*- No objections in principle, conditions provided. • *NI Water*- Approval	
Representations: None received	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: No objections or submissions have been received. No objections from consultees have been received.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 14/05/2025

Characteristics of the Site and Area

The application site comprises an agricultural parcel of land comprising a corner site. The site is adjoined to the north by No 24 and to the west by No 20. The site is adjoined to the east and south by laneways. The gradient on the site falls from the east towards the west and No 20. The site boundaries are formed by a mix of low stone wall with wire and post fencing above along part of the northern and eastern boundaries, remaining boundaries are formed by wire and post fencing. The site is located outside any defined settlement limits and outside of the Mourne Area of Outstanding Natural Beauty.

Description of Proposal

Proposed New Dwelling & Detached Garage

Planning Assessment of Policy and Other Material Considerations

Planning History

LA07/2016/1486O- Proposed corner infill site for a new dwelling and garage on lands immediately south of No 24 Lower Carrogs Road, Newry.

The application was recommended for refusal by the Planning Department for the following reasons:

1. The proposal is contrary to Policy CTY 1 and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation to a of ribbon development along a private lane.
2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, create a ribbon of development and would therefore further erode the rural character of the countryside.

The above application appeared before Planning Committee in Jan 2017 with a recommendation of Refusal, at which time it was deferred for a Site Visit. The application was then returned to the Planning Committee in March 2017 at which time the recommendation of Refusal was overturned, on the basis that Members, having established where the lane runs to and from, that this creates an infill site on the proposed site.
The decision notice granting Outline planning permission was issued on 28th March 2017 subject to 12 conditions.
No application for reserved matters was submitted and the outline approval expired 28th March 2022.

Planning Policies and Material Considerations
This planning application has been assessed against the following policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Building on Tradition Sustainable Design Guide
- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside

Banbridge/ Newry and Mourne Area Plan 2015
Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations.

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

There is no significant change to the policy requirements for infill 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

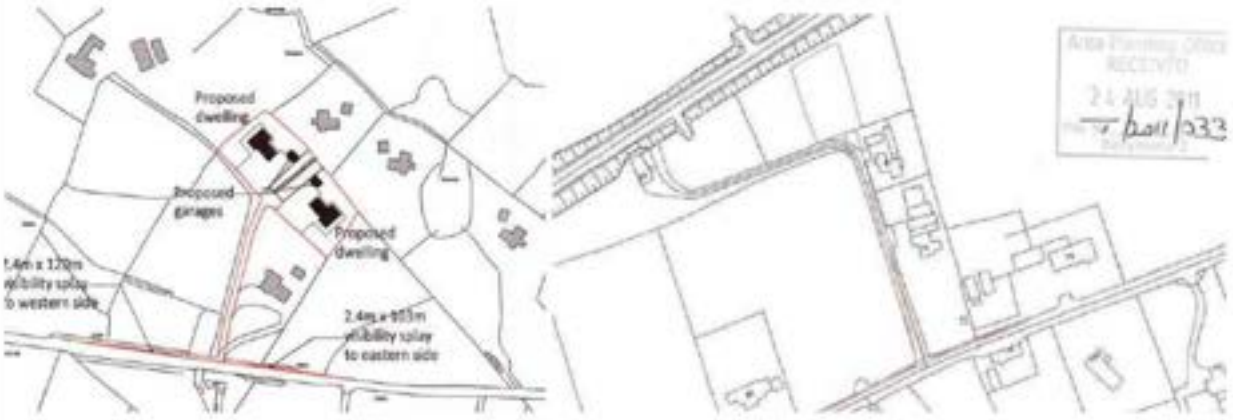
Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application 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.

PPS21 Sustainable Development in the Open Countryside

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. 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.

The application was accompanied by a Design and Access Statement which details the principal of development for an infill gap site was originally established under the previous outline approval LA07/2016/1486/O. It further states "*There are several appeal decisions which confirm that a bend in the laneway does not mean that the existing dwellings are not part of the same frontage.*"

References to Appeals 2015/A0091 and 2013/A0037 were also made. The layout of appeal's 2015/A0091 and 2013/A0027 are shown below. They are not considered to be comparable to the proposal as all buildings were located along the one frontage, not along two frontages.



On 9th July 2025 the Planning Department advised that it is considered that the proposal relies on two frontages and the application site does not constitute a gap site along a substantial and continuously built up frontage for the purposes of policy. As this application fails to meet the policy requirements of Policy CTY 8, it also fails to comply with Policy CTY 1 of PPS 21. The proposed dwelling would create a ribbon of development along a private lane and therefore also contrary to criterion d of Policy CTY14. On this basis, the application is likely to be recommended for refusal.

On 29th July the Agent submitted a Supporting Planning Statement from Donaldson Planning. The statement outlines:

- The laneway adjoining the site is one continuous lane which physically links No's 20 and 24, reference to Appeal 2015/A0091 is made.

- The corporate conclusion of the Council was to approve the previous application. The policy context has not changed in any way. It would be wholly inconsistent (and indeed Wednesbury unreasonable) for the Council to now take a different view of the proposal when there has been no change in policy or circumstances. Reference to Para's 23 and 24 of Appeal 2024/E0019 which notes that "*a pre-existing permission may still be a relevant or material circumstance which a planning authority is permitted to take into account. The fact that it is in no way bound by a previous planning permission which has expired does not mean that it is forced to wholly disregard that pre-existing permission.*"

  However, the Statement submitted omits the conclusion at Para 33 that "*Given the previous planning permission was not implemented and is time expired I do not consider it to have determining weight*".

- Reference to Appeal 2018/A0006 is made with the commissioner noting there had been no change of circumstances since a previous decision. A copy of this decision is not available to view on the PAC website and a full copy has not been provided to allow Planning to comment on this.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken (Reference 2016/A0040):

a) Identify if there is a substantial and continuously built-up frontage
b) Establish if the gap site is small sufficient only to accommodate a maximum of two houses
c) Determine if 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.

Assessing the application under CTY8, the application site is not considered to form part of a substantial and continuously built up frontage, two separate frontages are used to justify that this is a gap site when policy relates to a singular frontage. This not the continuation of the same frontage. The proposal fails to meet this policy requirement.

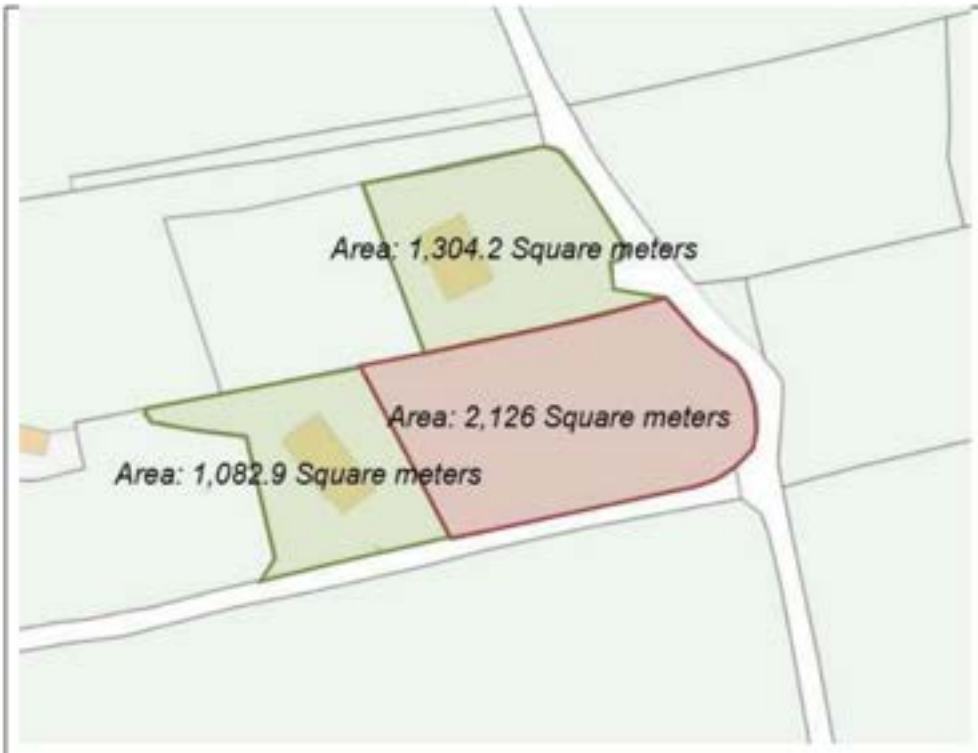
In appeal 2013/A0210 (Tullygarden Road), the applicant relied on buildings within two frontages to achieve the policy requirement of three or more buildings. The Commissioner stated that "This approach is not supported by Policy CTY 8." This situation is directly comparable with this planning application; two frontages exist and are being used as one despite this approach not being supported by policy. The use of these two frontages is therefore not acceptable. The site location plan for this application is shown below:



The application site is also not part of a substantial and continuously built up frontage. Policy CTY 8 defines a substantial and built up frontage as one containing a minimum of three buildings along a road frontage with no development to the rear. Even if the two frontages were to be accepted as one, there is not a substantial and built up frontage.

West of the site is no.20 Lower Carrogs Road which has a frontage, further west is a gap site and beyond the gap is no.18 Lower Carrogs Road which has a frontage. There is no line of three buildings in which the application site falls on a single frontage. The application site provides relief and a visual break which should be protected.

The plot sizes of No's 18 and 20 in comparison to the application site are shown below. The application site is significantly larger than the adjoining plots, emphasising the important of the visual break which it provides.



Overall, this planning application fails to comply with Policy CTY 8 in that the application site is not gap site as it is not part of a singular frontage which is substantial and built up and it does not respect the existing development pattern in the area. As this application fails to meet the policy requirements of Policy CTY 8, it also fails to comply with Policy CTY 1 of PPS 21. The proposed dwelling would create a ribbon of development along a private lane.

Policies CTY13 and CTY14.

Policy CTY13 states that planning permission will be granted for a building in the countryside where is can be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling is a mix of single and one and a half storey with a ridge height of 5.5.m. Given the siting low ridge height and that the massing of the dwelling and garage are broken up, it is considered the proposed dwelling and garage would not appear as unduly prominent in the landscape. New hedgerow boundaries are proposed to the southern and western site boundaries which will further aid integration.
However it is considered additional development at this location would result in a suburban style build-up of development when viewed with existing and approved buildings and would also result in ribbon development.

However, as outlined above, the proposal will create a ribbon of development which is contrary to criterion d of Policy CTY14.

Policy CTY16

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

application has outlined on the P1 form that a package treatment plant is the proposed means of disposing sewage.

It is considered that the application site is of a sufficient size to accommodate the dwelling and garage whilst also achieving sufficient separation distances between the proposed package treatment plant and adjacent properties. A condition will be attached to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site.

PPS3- Access, Movement and Parking

DFI Roads have been consulted on this application have no objections in principle. As stated, the site is located off the public road accessed via a private laneway. The plans submitted include extending the red line to the public road with visibility splays of 2m by 33m provided, which is considered sufficient and acceptable by DFI Rds.

PPS2- Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment. In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2. It is noted a portion of the site frontage will require to be removed to accommodate the access. This boundary is not considered significant in terms of providing habitat. No significant loss of planting will result, however compensatory replacement planting can be conditioned to ensure provision of suitable natural habitat in the event permission is granted. The site is not located within a designated Area of Outstanding Natural Beauty so therefore NH6 does not apply to this proposal.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

Reasons for Refusal:

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

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development along the laneways, the proposal does not respect the existing pattern of development along the frontage, and there is no substantial and continuously built up frontage.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore further erode the rural character of the countryside.

Case Officer Signature: M Keane

Date: 5th Feb 2026

Appointed Officer Signature: Pat Rooney

Date: 05-02-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

LA07/2024/1471/F – PROPOSED DWELLING AT LOWER CARROGS ROAD, NEWRY

COMMITTEE SPEAKING NOTE

This application has been recommended for refusal as it is not considered to represent an 'infill' development within an existing frontage.

We believe that the proposal DOES comply with policy and should be granted for the following reasons.

First, the site is contained within a network of rural concrete laneways. It is adjacent to a corner where the laneway splits into two directions. However unlike a public road, there are no 'priority' junctions, nor are there any different road names, and it is easily possible to progress continuously around the bend in the laneway.

The laneways (red) and the continuous frontage (green) are illustrated in the image below:



The Officer Report states that this site requires two frontages to accommodate the development. That interpretation is incorrect. This is one continuous lane, which physically links Nos 20 and 24 Lower Corrogs Road. Whilst the lane has a 90 degree bend, Appeal 2015/A0091 confirms that a line of buildings need not be straight, nor indeed that all buildings must be orientated in the same direction.

Second, it is not only the Applicant that considers this proposal meets the policy criteria. This Planning Committee has previously determined that development on this site is policy compliant.

LA07/2016/1486/O was submitted by the same Applicant. It was granted on **29 March 2017**. That application was initially recommended for refusal on the basis that it was not considered to fulfil the criteria for 'infill' development in accordance with Policy CTY8 of PPS21.

The application was presented at Planning Committee and it was deferred for a site visit by Members. Following this site visit the Committee again considered it and

resolved that permission should be granted on the basis that the lane does provide a continuous frontage within which the development will be contained. An extract from the Committee minute of March 2017 is below:

> **AGREED:** **On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2016/1486/O, contrary to officer recommendation, on the basis that having established where the lane runs to and from, that this creates an infill site on the proposed site.**

Third, the principles of consistency and fairness are integral to the planning system.

The initial Officer Report commented that the previous decision by Members was a ***'poor planning decision'***, albeit it is noted that this comment has been removed from the Committee Report. It is the role of Elected Members to apply local knowledge and judgment to proposals. That is exactly what they did previously, following the benefit of a site visit.

William Orbinson KC's Book on 'Planning Appeal Principles' (6th edition) notes on page 89 that ***'if there is a history of previous approvals for like development on a site then then a change in circumstances must be demonstrated for an appeal to fail'***.

There has been no change in circumstances here - the site is the same, the Applicant is the same and importantly, the policy is the same.

The corporate conclusion of the Council was to approve the previous application. The Officer Report has not engaged with this important factor, and it fails to demonstrate any change in circumstances to justify why the Committee should now take a different view of what is essentially the same proposal.

It is acknowledged that the Applicant did not submit reserved matters within the three years of the previous outline. Mr Matthews can explain the personal circumstances which delayed their ability to progress with the development, including the birth of a child with significant medical conditions, and other family illnesses. Indeed the dwelling which is the subject of this full application has specifically been designed to meet the specialist needs of their daughter.

Conclusions

The planning system operates in the interests of local communities. This site has already been determined as suitable for a dwelling. That dwelling was not constructed within the lifetime of the permission due to difficult family circumstances. However the critical factor here is that there has been no change in the policy since the previous approval. That in itself is a matter to which significant weight can be applied to justify the further grant of planning permission for this proposal.

David Donaldson BSc Hons MRTPI

Delegated Application

Development Management Officer Report	
Case Officer: Richard McMichael	
Application ID: LA07/2024/1128/O	**Target Date:**
Proposal: Proposed dwelling and garage (amended access)	**Location:** Lands adjacent and east of 84a Warrenpoint Road, Newry, Co Down, BT34 2PS
Applicant Name and Address: Bernard McLaughlin 82 Warrenpoint Road Newry BT34 2PS	**Agent Name and Address:** Eoin Morgan 32a Bryansford Road Newcastle BT33 0LG
Date of last Neighbour Notification:	19 August 2025
Date of Press Advertisement:	9 October 2024
EIA Determination: N/A	
Consultations: NIEA (WMU) (05/03/2025) – No objection. Referred Planning Authority to DAERA standing advice for single dwellings NI Water (05/03/2025) – No objection, subject to conditions DAERA (17/06/2025) – Farm Business ID allocated 19/11/1991, Category 1. Proposed site is located in field 3/073/108/1B, which was claimed for FSTP in 2025 by the business listed in the application form Dfl Roads (19/08/2025) – No objection	
Representations: None received	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Site Visit Report

Site Location Plan:



Date of Site Visit: March 2025

Characteristics of the Site and Area

The proposed dwelling is to be located to the rear of No.84a Warrenpoint Road, which is currently part of an agricultural field. The access is proposed to utilise parts of both 84 and 84a Warrenpoint Road. The topography of the site and the surrounding area rises steeply from the road. The area is characterised by residential and agricultural uses.

The site is not located within any designated settlement limit, floodplain or ecological or historical sites. The proximity to the carriageway and shore are also noted/acknowledged.

Description of Proposal

Proposed dwelling and garage (amended access)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: P/2014/0087/F

Decision: Permission Granted
Decision Date: 21 Jul 2014
Proposal: Erection of infill dwelling and garage in substitution of approval granted under P/2010/0943/F

Application Number: P/2010/0943/F
Decision: Permission Granted
Decision Date: 01 November 2010
Proposal: Erection of dwelling with alterations to existing access

SUPPORTING DOCUMENTS

- *Design & Access Statement*, Planning Permission Experts
- *Folio Maps*

PLANNING POLICIES & MATERIAL CONSIDERATIONS

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015
- PPS2 Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 21 – Sustainable Development in the Countryside
- DCAN 15 – Vehicular Access Standards
- Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside

CONSIDERATION AND 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 the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is not located within any designated development limit. There are no specific proposals relating to the site and as a new plan strategy has not yet been adopted by the Local Planning Authority, the retained policies of the SPPS and PPS21 remain material to consideration.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS provides the regional framework for planning policy that will be taken into consideration in the preparation of Local Development Plans.

On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The

Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged.

A transitional period will operate until the local council has adopted a Plan Strategy for the whole council area. During the transitional period planning authorities will apply the existing policy documents together with the SPPS. Moreover, supplementary and best practice guidance will also continue to be applied. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the SPPS. However, where the SPPS is silent or less prescriptive on a certain policy matter then the retained policies should be afforded the appropriate weight.

Para. 6.73 of the SPPS provides strategic policy for residential development in the countryside and should be considered in the determination of planning applications, which includes farm dwellings.

As there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 21 remains the material policy consideration. Accordingly, the key policy tests should be assessed against policies CTY 1 and CTY10 of PPS 21.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 10 – Dwellings on Farms

The proposal has been assessed against Policy CTY 10 of PPS 21 which permits a dwelling on a farm where all specified criteria are met. In this case, the submitted information demonstrates that the farm business is currently active and has been established in excess of the required six-year period, as confirmed during consultation with DAERA. Evidence provided in support of the application confirms the longevity and ongoing operation of the enterprise, thereby satisfying criterion (a) of the policy.

With regard to criterion (b), it has been confirmed that no dwellings or development opportunities outside settlement limits have been sold off from the farm holding within the ten years preceding the application. This accords with the policy restriction applicable to applications made after 25 November 2008, and there is no evidence to suggest any contravention of this requirement. Furthermore, there has been no planning permission granted for a dwelling under this policy on the holding within the past ten years, and as such the proposal complies with the policy limitation on frequency.

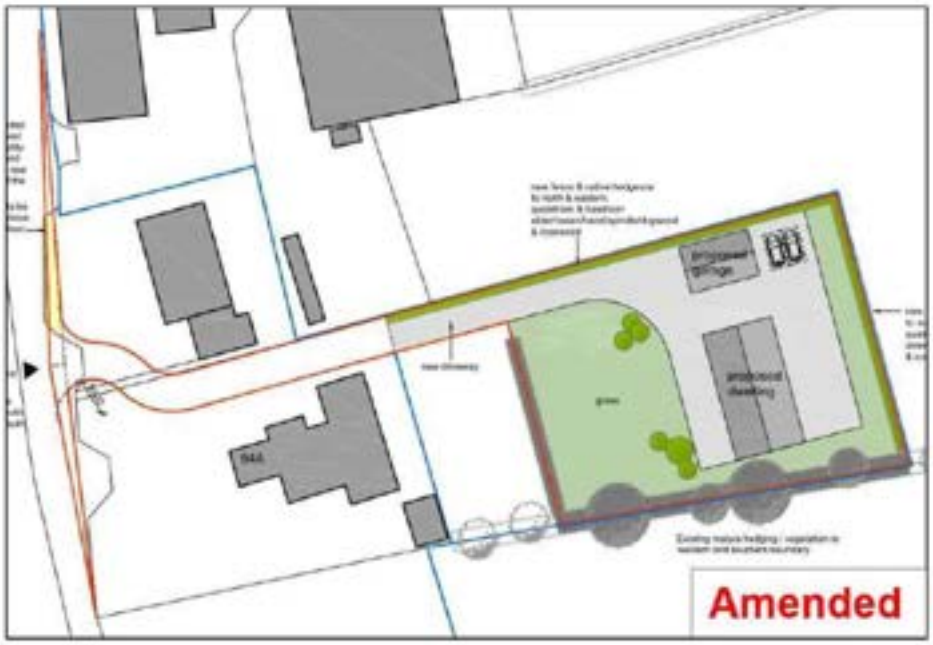
In terms of siting and integration, the proposed dwelling and garage are not considered to be visually linked to the established group of farm buildings located to the north west of the site. Although the separation distance between the closest points is approximately 35m, this physical proximity alone is not sufficient to establish a meaningful clustering, visual or functional relationship. From the wider context, the proposed dwelling would read as being more closely associated with the two adjacent dwellings to the west rather than with the agricultural buildings to the north, thereby diminishing the perception of a coherent farm cluster.

This perception would be further reinforced by the proposed access arrangement, which aligns the dwelling with the existing residential properties and does not reflect a natural extension of the farm's internal access network. As a result, the development would appear as an extension of the existing residential development along Warrenpoint Road, rather than as a dwelling intrinsically linked to the farm holding.

The access arrangement was originally proposed to utilise the existing access and driveway for 84a Warrenpoint Road.



However, this was amended in response to DFI Roads comments. It is considered that neither option is acceptable in terms of Policy CTY 10.



The amended access arrangement relies on land forming part of nos. 84 and 84a Warrenpoint Road, which are separate residential properties not demonstrated to be within the control of the applicant or lawfully incorporated into the farm holding. Policy CTY 10 requires that, where practicable, access to a farm dwelling should be obtained from an existing lane serving the farm. In this case, the access would be facilitated through third-party land associated with those existing dwellings, rather than from a dedicated farm access, which undermines the policy intention of maintaining a clear functional and physical relationship between the dwelling and the farm enterprise.

Furthermore, the use of land within the curtilage of nos. 84 and 84a to serve a new dwelling introduces an unacceptable reliance on private residential property to enable development in the countryside. This creates potential issues in respect of long-term access rights, shared use, and residential amenity, and fails to provide certainty that a safe, secure and independent means of access can be maintained for the lifetime of the development. As such, the proposal does not represent an appropriate or robust access solution in planning terms.

In addition, the proposed access arrangement does not read as a natural extension of the existing farm infrastructure and instead appears as an engineered route threading between established dwellings. This erodes the visual and functional coherence expected of a farm cluster and conflicts with the requirement of Policy CTY 10 that new development should integrate with the established pattern of the farm. On this basis, the access is considered unacceptable and contrary to the policy provisions for a single farm dwelling. The proposal therefore fails to satisfy the siting and integration requirements of Policy CTY 10.

Policies CTY 8, 13 & 14

As the proposed development does not create or add to an existing ribbon of development, it meets the policy requirements of CTY 8. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

a) *it is a prominent feature in the landscape*
The site is set back from the main road, with mature hedging along the southern and western boundaries. It is not directly adjacent to the road, which reduces its immediate prominence. However, the topography of the site and steep gradients means that any proposed dwelling on this site would appear visually prominent when viewed from the west.

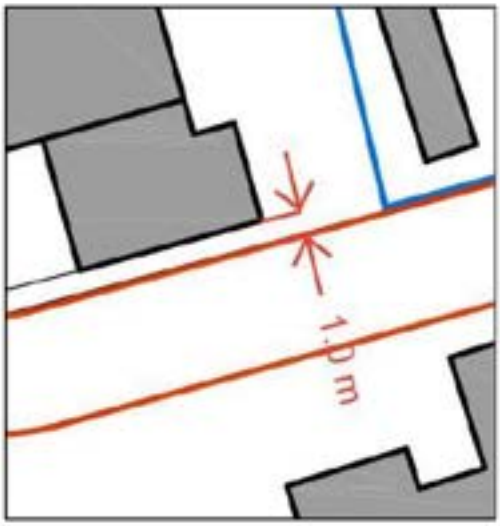
b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*

The application site will effectively be cut out of a larger field and will require the formation of at least 3 new boundaries to create a defined curtilage. Accordingly, it must be determined the site lacks long established natural boundaries and

together with the steep gradient and elevated position is unable to provide a suitable degree of enclosure to integrate.

c) *it relies primarily on the use of new landscaping for integration*
The plan shows existing hedging along the western and southern boundaries. However, only the southern boundary hedging can reasonably be considered to be 'long-established', as the western boundary hedging was only planted at the time of the previously approved dwelling at no. 84a. New hedgerows are proposed along the northern and eastern boundaries. While a long-established boundary does exist, it isn't sufficient alone to provide full enclosure. Therefore, the site relies heavily on new hedgerows for full integration.

d) *ancillary works do not integrate with their surroundings*
The ancillary works include an access and driveway that would utilise parts of both 84 and 84a Warrenpoint Road. This would come within 1m and 1.4m of each property, respectively.





Creating an access between two properties that utilizes parts of both properties, where no gap between the properties currently exists, solely to gain access to the site to the rear, is not considered to integrate with its surroundings. Such an arrangement is purely functional for access purposes and does not respect the existing spatial pattern, character, or context of the surrounding properties which front onto Warrenpoint Road, each with their own individual access. It therefore alters the relationship between the properties in a way that is incongruous with the established layout and does not enhance or harmonize with the local environment.

e) *the design of the building is inappropriate for the site and its locality*
The application is for outline permission and therefore does not include any design details.

f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
The application is for outline permission and therefore does not include any design details. However, it should be noted that given the topography of the site, especially how much higher the site sits in comparison to no. 84a, it would be difficult for any future design to blend with the landform and slope without appearing overly prominent when viewed from the west.

g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm*
As previously mentioned, the any dwelling on this site would read as being more closely associated with the two adjacent dwellings to the west rather than with the agricultural buildings to the north.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. A new building will be unacceptable where:

a) *it is unduly prominent in the landscape*
See criteria a) of CTY 13 above.

b) *it results in a suburban style build-up of development when viewed with existing and approved buildings*
The proposal would give the impression of backland development, not only for its position to the rear of nos. 84 and 84a but also the creation of an access between the two properties where no gap currently exists. This is considered to give it a suburban style build-up of development when viewed alongside the surrounding built development, appearing disconnected from the established street pattern and character of the area.

c) *it does not respect the traditional pattern of settlement exhibited in that area*
See criteria b).

d) *it creates or adds to a ribbon of development (see Policy CTY 8)*
The dwelling is set back from the road and does not extend the existing frontage development, so it does not contribute to a ribbon of development.

e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character*
See criteria d) of CTY 13 above.

The proposal would cause a detrimental change to the rural character of the area and therefore fails to meet the requirements of Policy CTY 14.

PPS 3, DCAN 15 and Parking Standards

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 or significantly inconvenience the flow of traffic.

The proposed access would utilise and extend the access to no. 84 Warrenpoint Road. It provides visibility splays of 2m x 45m to the north and 2m x 34m to the south. Justification for the reduced distance to the south was provided by the applicant. DfI Roads was consulted on the proposed access and justification and raised no objections, subject to a standard and acceptable condition.

Although the application is only for outline permission and the submitted site plan is indicative, showing just two in-curtilage car parking spaces, the site is of sufficient size to accommodate the required parking for even the largest detached dwelling in accordance with the relevant parking standards.

The proposal therefore complies with the requirements of PPS 3 regarding road safety, access, and movement, fully adheres to the DCAN 15 access standards, and is capable of providing the necessary in-curtilage parking in accordance with the adopted parking standards.

Residential Amenity

As stated above, this is an outline application and, as such, limited detail has been provided. Notwithstanding this, the elevated nature of the site relative to neighbouring properties is acknowledged and remains a concern.

The indicative site plan appears to recognise this issue and proposes siting the dwelling further back from No. 84a to increase the separation distance. However, this adjustment would result in the dwelling being positioned at a higher and more prominent level, thereby potentially exacerbating its visual and amenity impacts.

The proposed access arrangements involve the use of part of the existing grounds and access associated with Nos. 84 and 84a. Neither property is indicated as being linked to the farm business, nor is there any evidence to suggest they are within the applicant's ownership.

Furthermore, No. 84a is oriented gable-end to the road, with the proposed access driveway running directly past its front door and several primary openings. This arrangement is unsatisfactory and would lead to unacceptable impacts on residential amenity, adversely affecting the peaceful enjoyment of the property through increased noise, nuisance, and general disturbance.

PPS 2: Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure

appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment. In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist.

The site comprises a maintained field whereby the proposals will not result in the loss or removal of any building or significant planting. In fact, the proposals will require the formation of new boundaries as the site is effectively cut out of a field.

Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2. The application site is not located within a Area of Outstanding Natural Beauty, NH 6 does not apply.

Neighbour Notification Checked Yes

Summary of Recommendation
Refuse

Reasons for Refusal:

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

2. The proposal is contrary to the SPPS and Policy CTY 10 of PPS 21 in that the proposed dwelling is not sited to visually link, nor does it cluster with, an established group of farm buildings. The dwelling would read as being more closely associated with adjacent residential properties rather than the farm holding and would therefore fail to integrate with the established pattern of the farm.

3. The proposal is contrary to the SPPS in that the proposed access arrangement will adversely impact the peaceful enjoyment and residential amenity of no.84 and 84a, by reason of noise, nuisance and general disturbance.

4. The proposal is contrary to the SPPS and Policy CTY 13 of PPS 21 in that the proposal fails to meet the following criteria:

   (a) it would be a prominent feature in the landscape due to the elevated topography of the site;
   (b) the site lacks sufficient long-established natural boundaries to provide a suitable degree of enclosure and relies heavily on new landscaping for integration;
   (c) the ancillary works, namely the proposed access arrangement between existing dwellings, does not integrate with its surroundings or respect the established spatial pattern of development.

5. The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21 in that it would result in a detrimental change to the rural character of the area by creating a form of backland development and a suburban-style build-up of development that does not respect the traditional pattern of settlement in the locality.

6. The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21 in that the impact of the ancillary works, namely the proposed access arrangement, would damage the rural character of the area and further erode its rural setting.

Case Officer Signature:



Date: 7 January 2026

Appointed Officer Signature: M Keane

Date: 09-01-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

PLANNING PERMISSION EXPERTS

Speaking Rights – LA07/2024/1128/O – Farm Dwelling – Lands east of 84a Warrenpoint Road

Members of the Committee, thank you for the opportunity to speak.

This application relates to a proposed farm dwelling on the Warrenpoint Road, which officers recommend for refusal. The refusal reasons relate to CTY1, CTY10, CTY 13 and CTY14 of PPS21. However, the main crux of the Departments recommendation is that they do not consider that the proposal cluster or visually link with the buildings on the farm.

We respectfully disagree with this recommendation, and it is our assertion that the proposal fully complies with the clustering requirements of Policy CTY10.



Policy CTY10 Criteria (c)

The Case Officer states that the proposed dwelling would be located approximately 35m from the nearest farm building. The proximity between the boundary of the site and the farm buildings however is only **24m**. Notwithstanding this, the report suggests that proximity alone is insufficient to establish meaningful clustering.

With respect, that interpretation places a higher test on the policy than the policy itself requires.

Both the Planning Appeals Commission and Council decisions have consistently accepted that where a dwelling is in close physical proximity to farm buildings, clustering is achieved.

A separation of 24 metres (or 35 metres) is modest in rural planning terms and clearly establishes both physical and visual linkage.

In the Case Officer report, they appear to have considered that the proposed dwelling reads more closely with the adjacent dwellings, rather than the farm buildings themselves. Notwithstanding the fact that these adjacent dwellings are home to the applicants' cousins, who regularly help out on the farm, visual linkage with nearby dwellings does not preclude visual linkage or clustering with farm buildings, nor does Policy CTY 10 introduce any such test or restriction.

In addition, Paragraph 6.69 of the SPPS states that new development should *"cluster, consolidate and group with existing established buildings."* Therefore, the opportunity to not only cluster with farm buildings, but existing built development in the countryside is supported by Policy.

Therefore, the proposal satisfies criterion (c) of CTY 10.

Policy CTY13

In terms of the concerns raised with regards to the integration of the development, the site is barely discernible on approach's from either direction. In addition:

- The site will sit on the lower part of the field, benefiting from the rising topography to the rear.
- The existing built development to the west screens the development.
- The retention of existing boundaries mitigates the visual impact.

As such, the development is considered to satisfactorily integrate into the landscape.

Notwithstanding this, this is an outline application, meaning siting, ridge height and detailed design can be controlled at Reserved Matters stage. A modest ridge height and sensitive design would ensure appropriate integration. Accordingly, the proposal satisfies CTY 13.

Policy CTY14

In terms of impacts upon rural character, the case officer suggests that the proposal represents back land or suburban-style development.

However, this conclusion stems from the Officers interpretation of CTY 10.

As we have demonstrated, the proposed application represents a suitable farm dwelling opportunity, that cluster with the buildings on the farm. It does not therefore represent back-land development, or result in a suburban style build up.

It therefore respects the rural character, compliant with Policy CTY14.

Access Assessment

The case officer also raised issues with regards to the access, and the impact this may have on the amenities of nos. 84 and 84a.

It is important to note:

- Access to the field is already gained through the property of no.84a.
- The proposal utilises an established access point onto Warrenpoint Road
- It results in limited additional hardstanding.

The separation distance from the access to the neighbouring dwelling is approximately **5 metres**, which is not uncommon in rural or village contexts.

Any potential concerns regarding noise or disturbance can be mitigated through boundary treatment, which can be secured by condition.

The proposal therefore complies with the SPPS, in that it will not result in noise, nuisance or other general disturbance.

Conclusion

- **The proposal complies with Policy CTY 10, as it is located only 24m from the nearest farm building. From all surrounding viewpoints, it is clearly visually linked with the existing buildings on the farm.**
- As such, it therefore falls that it also complies with CTY 1 in principle.
- The dwelling can integrate appropriately under CTY 13.
- It does not undermine rural character under CTY 14.
- The access arrangement does not cause unacceptable amenity harm.

The refusal recommendation relies heavily on a narrow interpretation of clustering that goes beyond the wording of policy and established practice.

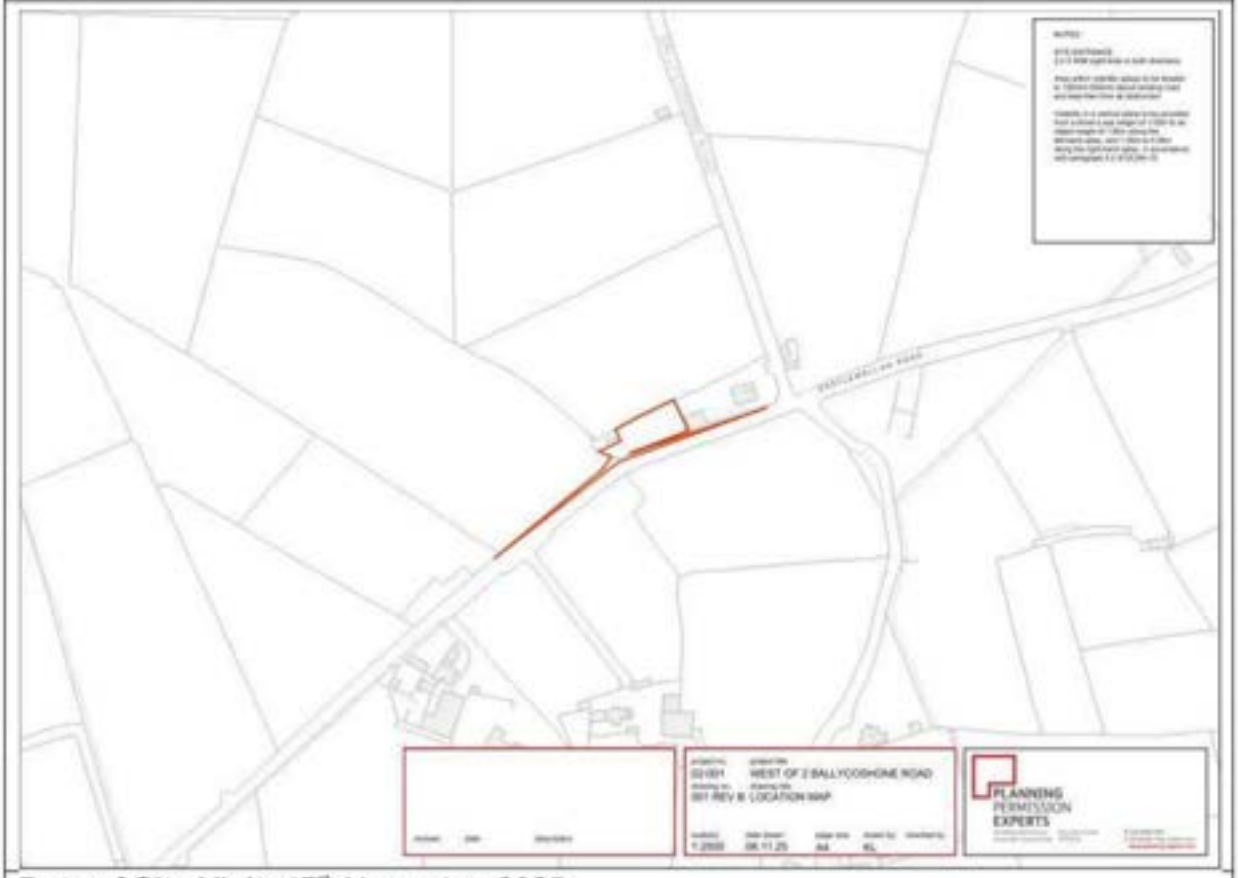
For those reasons, I respectfully ask Members to approve the application Thank you.

Application

Development Management Officer Report	
Case Officer: Fiona McDonnell	
Application ID: LA07/2025/0808/O	**Target Date:**
Proposal: Proposed infill dwelling	**Location:** 2 BALLYCOSHONE ROAD BALLYAUGHIAN HILLTOWN BT34 5XB
Applicant Name and Address: Martin and Jacqueline Rooney 2 Ballycoshone Road Newry BT345XB	**Agent Name and Address:** Declan Rooney 2 Ballycoshone Road Hilltown Newry BT345XB
Date of last Neighbour Notification:	The site is isolated- No neighbours have been notified.
Date of Press Advertisement:	20 August 2025
EIA Determination: The site is not located within a designated area, nor does the proposal meet any criteria that would require EIA screening to be undertaken.	
Consultations: DFI Roads, NIW, NIEA Water Management Unit, Environmental Health	
Representations: No representations have been received either to support or make objection to the proposed development.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	none
Summary of Issues: Is the proposed infill dwelling compliant with relevant planning policy.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 17th November 2025

Characteristics of the Site and Area

The proposed site is located on the north side of B8 Castlewellan Road approximately 2km northeast from Hilltown at the junction with Ballycoshone Road. The site can be accessed by both Castlewellan Road and Ballycoshone Road with the main access from Ballycoshone Road.

The site is approximately 0.1hectares, roughly rectangular in shape and the topography drops off from Castlewellan Road. The site has a frontage onto the Castlewellan Road with roadside hedges enclosing the site to the south and west. The boundary to the east opens onto Ballycoshone Road and the adjacent property, whilst the northern boundary opens onto the agricultural fields to the north.

The surrounding area is characteristic of the Irish Countryside, with sporadic detached single/two storey dwellings, farm buildings and open agricultural fields.

The site comprises dwelling no.2 Ballycoshone Road, a mechanic workshop, a number of dilapidated vehicles, a caravan, a disused mobile unit structure with a door and window, a shipping container, and a rectangular box structure in cream cladding with a door, this unit is located to the west of the site.

Description of Proposal
This application seeks outline planning permission for the erection of an infill dwelling and associated site works on lands west of 2 Ballycoshone Road, Hilltown, BT34 5XB.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY
P/2001/0145/F - Extension and alteration at 2 Ballycoshone Road, Decision: Permission Granted Decision Date: 15 March 2001

SUPPORTING DOCUMENTS
The application is supported by a Design and Access Statement and a completed Biodiversity Checklist.

CONSULTATIONS
DFI Roads – state they have no objection if Planning contends that the proposal is an exception to policy regarding protected routes. Planning can confirm that this is not considered to be an exception in line with policy AMP3 Access Movement and Parking - Access to Protected Routes
NI Water – Standing Advice – Approve with standard planning conditions
NIEA – Water Management Unit- No objection to proposal – suggested conditions put forward should planning permission be granted.
Environmental Health at NMDDC – EH responded to advise they had concerns regarding noise impact from the adjacent mechanics' workshop. They suggested noise mitigation should be incorporated into the design of the dwelling should approval be recommended. They further state that they have no objection in principle provided that the location of the septic tank and soakaway are considered to be acceptable.

REPRESENTATIONS
There are no neighbouring properties that would be impacted by this proposed development.
No neighbour notification undertaken in line with statutory requirements.
The proposal was advertised in Newry Reporter (20.08.2025- 04.09.2025) – no representations have been received.

PLANNING POLICY
Habitat Regulations Assessment (HRA)
The site is not with a designated area- It is not within the catchment for any European Sites and therefore it has not been necessary to assess the potential impact of the development on European Sites in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended).

Environmental Impact Assessment (EIA)

It has not been necessary to assess the application against Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. The application site is not in a designated area- and no other criteria relating to EIA scoping is triggered.

Planning Act (Northern Ireland) 2011
Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies outside any defined settlement and within the rural countryside.

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

EVALUATION

Principle of development
Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan and is un-zoned.
The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged.

The SPPS consolidates the suite of existing planning policy statements into one document and sets out strategic planning policy.
A transitional period operates until a Plan Strategy is adopted by the Council. During this transitional period existing planning policy is to be applied, unless there is conflict, which must be resolved in favour of the provisions of the SPPS.

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

Policy 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.
One such form of development referred to in CTY1 allows for the development of a small gap site within an otherwise substantial and continuously built-up frontage and the criteria for this form of development is set out in policy CTY 8. These criteria should be applied in assessing this application for an infill dwelling.

CTY 8 advises that planning permission should be refused for a building which creates or adds to a ribbon of development. It sets out that an exception will be permitted for the development of a small gap site sufficient to accommodate a maximum of 2 houses in an otherwise substantial and continuously built-up frontage and provided development respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The applicant has submitted a plan which shows what he considers to be a built-up frontage which includes a line of 3 buildings- those being the dwelling unit at 2 Ballycoshone Road; a mechanics workshop to the rear of the dwelling at 2 Ballycoshone Road; and a rectangular box structure with cream uPVC cladding. Historical images confirm that the dwelling and mechanic workshop are long standing; and the cream uPVC clad box unit has been in situ for at least 9 years.

It is considered that the dwelling unit and the mechanics workshop are both considered to be buildings in terms of CTY8. If the third structure is considered to be a building, then the principle of the development could be approved.

Building 3 (cream uPVC clad box unit)
Appeal 2022/A0113 is helpful in determining if the cream clad structure/shed can be considered as a building.

The commissioner tells us that the definition of a building as set out in the Planning Act 'any structure or erection' is not particularly helpful when it comes to applying policy CTY8. The mere fact that something has been erected on land is not sufficient to make it a building for the purposes of this policy and it is for the decision maker to determine what constitutes a building on a fact and degree basis.

In the appeal referenced above the commissioner determines whether wooden shed could be considered to be building. He discusses that the structure could be lifted and moved off site in one section. and concludes that in the absence of a curtilage or typical foundations or indeed any base that links the structure to the ground in a permanent manner indicates that it is not of a typically permanent construction.

The cream clad structure measures approximately 3m x 2m, historical imagery indicates that the structure had a corrugated metal roof in 2025 but the roof has been since been removed, it was not present when the site was inspected on 17th November 2025. There is a door and small openings on the north facing elevation and a door in the east facing elevation.

The agent advises the structure has been on site for more than 15 years and was previously used as a hairdressing salon. He states that it has fixed connections to utilities such as sewage, water and electricity and that the unit has a blockwork plinth with concrete base.



However, onsite I did not witness a brickwork plinth on the base of the structure. I did witness a gap with weeds and nettles growing from underneath the box type shed/ structure. The unit could be sitting on a concrete base, but it was apparent from my site visit that the structure could be lifted off-site in one piece. It did not have its individual curtilage or typical foundations. Based on fact and degree I consider the structure to be of a temporary nature, like the wooden structure highlighted in 2022/A011 Just as the wooden structure cannot considered to be a building – the cream clad structure cannot be considered to be a building. Therefore, there is not a substantial and built-up frontage that includes a line of 3 or more buildings along Castlewellan Road, so criteria of CTY8 is not met.
Policy CTY8 is a restrictive policy (with recent case law and planning appeals noted), it is considered this is not a genuine gap site for the purpose of the policy.
The principle of development is not acceptable as the proposal is not an exception in terms of CTY1 and CTY8.

CTY 8 further requires that infill dwellings meet other planning and environmental requirements and paragraph 6.70 of the SPPS confirms that 'all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. These considerations must be assessed under policies CTY13 'integration and design of buildings in the countryside' & CTY14 'Rural Character'.

CTY 13

It is difficult to assess the suitability of the design of the proposal as the application is an outline, full details of the design have not yet been submitted. However, in terms of policy CTY 13, given the low lying topography, it is considered that a suitably designed modest sized dwelling could integrate into the site and would not be an unduly prominent feature. It would not rely primarily on new landscaping with the existing boundary treatment and given that the site is at a lower level than the road. If the proposed dwelling was appropriately designed it is considered that the proposal could meet the criteria of policy CTY 13.

CTY14
CTY 14 requires a building in the countryside not to cause detrimental change or erosion of rural character. As discussed above, the proposal is not considered to be an exception in terms of CTY 8 and would therefore result in creation of a ribbon of development; and this arrangement would be more typical of an urban setting and not appropriate within this rural context. The proposal therefore fails to comply with criteria b, c & d of CTY14 as suburban build-up of development would result (criterion b), the traditional pattern of development in the countryside is not respected (criterion c) and a ribbon of development would be created (criterion d).

CTY16
CTY 16 deems planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. It is proposed that a new dwelling would connect to mains supply to supply water to the dwelling. Surface water would be disposed of by way of provision of a soak away. Foul sewage would be disposed of by way of a septic tank.

Both NI water (NIW) and the Water Management Unit (WMU) at NIEA were consulted. Both agencies recommended approval of the proposal as they consider that the additional dwelling would not create or add to water pollution problem, both put forward conditions and the proposal does not warrant refusal based on policy CTY16.

The principle of this proposed development is therefore not acceptable as the proposal would have a harmful impact on landscape character contrary to policies CTY1- Development in the Countryside, CTY8 Ribbon development and CTY14 Rural character of PPS21 Sustainable development in the countryside.

Impact on amenity
No. 2 Ballycoshone Road abuts the site. It is considered that there could be sufficient space to the east of no.2 to site a dwelling and maintain sufficient separation distance with the existing property without resultant unacceptable overlooking, loss of light or overshadowing. Careful design (windows in gables, separation distances to north and southern boundaries) will also ensure that the amenity of the neighbouring dwellings is not impacted to an unacceptable level.

The environmental health team raised concerns that the adjacent mechanics yard could give rise to harmful noise pollution. The EH team would encourage noise mitigation measures to be included in the design of the proposed dwelling and these could be incorporated into a reserved matters application, however, as the proposal is contrary to policies contained within PPS21, further detail is not being requested from the agent. It is considered that the proposal could be acceptable in terms of residential amenity.

Impact on highway safety
The existing access seems to have appeared informally between street views images of 2008-2011. This is a new access onto a Protected route B8 Castlewellan Road, it does not have the benefit of planning permission and is not lawful. The agent has submitted details demonstrating that the unauthorised access could be made safe, nevertheless it is considered that a new access onto a protected route is contrary to policy AMP3 of PPS3 Access, Movement and Parking.

Policy AMP3 sets out that planning permission will only be granted for new access onto a protected route in specific circumstances, those being

i) A) a replacement dwelling - the proposal does not meet this criteria

ii) B) a farm dwelling – the proposal does not meet this criteria

iii) C) a dwelling serving an established commercial or industrial enterprise

iv) D) other categories of development that meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. – as discussed above this proposal is not an exception in terms of CTY1 and CTY8. It is not an infill opportunity and does not fulfil countryside policy and so criteria D of policy AMP3 is not met. The application seeks to use a recently constructed unauthorised access onto the Protected Route.

The purpose of policy AMP3 is to restrict the number of new accesses onto protected routes to encourage efficient movement of traffic over distances in Northern Ireland. The proposal is contrary to this policy. Although it can be demonstrated that a safe access could be provided, the aim of the policy is to restrict the number of new accesses and discourage intensification of existing accesses onto the B8 Castlewellan Road to allow traffic to best flow.

It is demonstrated above that a dwelling at this location would be harmful to landscape character in terms of creating ribbon development. This proposal is not considered to be an exceptional circumstance, and this proposal is therefore contrary to policy AMP3.

Biodiversity and Flood risk
PPS 2 outlines the Department's planning policies for conserving, protecting, and enhancing our natural heritage. The application site is not located near any designated sites such as ASSIs, SACs, SPAs, Ramsar sites, or SLNCIs.
Acknowledging the domestic nature of the proposal, it is not anticipated that any airborne pollutants will arise that could cause concern. The potential impact on Special Protection Areas, Special Areas of Conservation, and Ramsar sites has been assessed in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
It has been concluded that the proposal is unlikely to have a significant effect on these or any other European sites. Policies NH 1, NH 3, and NH 4 are not impacted by the proposal, and as the site is not located within an Area of Outstanding Natural Beauty, Policy NH 6 does not apply.
Policies NH 2 and NH 5 of PPS 2 stipulate that planning permission will only be granted where a proposal is unlikely to result in unacceptable adverse impacts on, or damage to,

habitats, species, or features of natural heritage importance, including legally protected species.

Having account the observations from a site visit and respective site conditions , no priority habitat or species were observed. No potential impact pathways or hydrological connections were identified with the proposed development site and any identified designated sites in terms of policy NH5 of PPS2.
Furthermore, due to the overall small scale, nature and restricted area of the proposed development work and current site conditions, it is not considered that the proposed development will have any significant impact to the local flora and fauna.
Flood risk
Flood maps have been checked and it would appear that the site is not at risk of flooding. There is no evidence of surface water ponding or historical flooding and it is not situated in an area of floodplain.
The proposal could be acceptable in terms of PPS2 Natural heritage and PPS15 Planning and Flood risk and there are no grounds for refusal based on biodiversity or flood risk.

Conclusion
The proposal is contrary to PPS21 – policies CTY1 and CTY8, and of PPS3 - policy AMP3, accordingly outline planning permission should be refused.

Neighbour Notification Checked Yes

Summary of Recommendation
The proposal is contrary to PPS21 CTY1 and CTY8, and of PPS3 policy AMP3 and outline planning permission should be refused.

Reasons for Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 CTY1 and CTY8 Ribbon Development, of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantial and continuous built-up frontage and would, if approved, create a ribbon of development.

3. The proposal is contrary to Policy CTY1 and criteria B, C and D of CTY14 Rural Character, of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if approved result in a suburban style build-up of development when viewed with existing development, does not respect the traditional pattern of settlement, and would create ribbon development.

4. The proposal is contrary to AMP3 of PPS3, Access, Movement and Parking, in that it would create a new access onto a Protected Route.

Case Officer Signature: Fiona McDonnell

Date: 7th January 2026

Appointed Officer Signature: M Keane

Date: 07-01-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

PLANNING PERMISSION EXPERTS

Speaking Rights: LA07/2025/0808/O – Infill Dwelling – 2 Ballycoshone Road, Hilltown

Members of the Committee, thank you for this opportunity to speak.

The Gap Site

This is an application for a proposed infill dwelling within a substantial and continuously built up frontage. The SCBUF is considered to comprise of the dwelling at 2 Ballycoshone Road (Building 1), the mechanics workshop (building 2)- both of which Officers have accepted as having frontage to the road, followed by the gap site and the building to the west of the gap site (Building 3).

Officers have recommended refusal of the application, stating that the building to the west does not constitute a building for the purposes of Policy CTY8.

We respectfully disagree with this conclusion, and it is our assertion that the structure is plainly a building for the purposes of CTY 8 for various reasons which are discussed throughout this speaking note.

The Western Building

As mentioned, Officers have discounted the structure to the west on the basis that they consider it a "temporary" building.

First of all, Policy CTY8 does not distinguish between permanent or temporary buildings. The PAC have reinforced this approach in appeal decision 2021/A0124, stating Policy CTY8 ***"does not differentiate between the nature, form and materials of the buildings or the length of time the building has been in place"***

In this particular case however, the building:

- Has been on site for been on site for approx. 15 years
- Was formerly used as a hair salon;
- Has fixed electricity, sewage and water connections; and
- Is fixed to the ground by way of a block work plinth and concrete slab foundation.

These are not characteristics of a temporary building; however, they are clear indicators of a permanent building.

Foundations and LPA Precedent

The officer report notes that the brickwork plinth and concrete slab were not observed during the site visit. While the surrounding vegetation has grown over time, those features are still present and clearly visible on site. The structure is clearly fixed to the ground by way of a concrete base and blockwork plinth (image on screen).

The significance of this is clear. In application **LA07/2023/3007/O**, Council accepted that while a glasshouse would ordinarily be considered a temporary building, the fact it had a concrete plinth and slab base meant it constituted a building for the purposes of Policy CTY8. We are therefore requesting the same, consistent interpretation of policy be applied to the current application.

32a Bryansford Avenue Northern Ireland T: 028 9560 9927
Newcastle, County Down BT33 0LG E: info@planning-experts.com
www.planning-experts.com

Comparable PAC Precedent

Furthermore, the Planning Appeals Commission have also adopted a similar position. In Appeal **2022/A0173**, the Commissioner concluded that a wooden shed set on concrete blocks qualified as a building for CTY8, placing weight on its longevity and its pipework connection to the ground.

Those same indicators are present in the current building - and to a greater degree. This structure has comparable longevity, pipework connections to the ground including water and sewage plus fixed electricity connection, historical use as a salon and a blockwork plinth and concrete slab foundation.

On that basis, it meets, and exceeds, the characteristics previously accepted by both Council and the PAC as constituting a building under Policy CTY8.

The Gap Site

Accordingly, the site represents a small gap within a substantial and continuously built-up frontage and can accommodate up to two dwellings while respecting the established development pattern. The proposal therefore complies with Policy CTY8 of PPS21 and, in turn, satisfies Policies CTY1 and CTY14.

Access and AMP3

Turning to the refusal reason under Policy AMP3, DfI Roads were consulted on the proposed access arrangement and have raised no objection to the scheme.

The officers concern relates to whether the proposal would create a new access onto a Protected Route. However, as acknowledged within the Case Officer's own report, this access was formed as early as 2008. It has therefore long been immune from enforcement action. As such, it is a lawful, established access and does not constitute the creation of a new access onto a Protected Route.

Furthermore, as the proposal has been demonstrated to comply with Policy CTY8, the use of this existing access is acceptable in policy terms. Accordingly, there is no remaining conflict with Policy AMP3.

Conclusion

In conclusion, **when full regard is given to the permanent characteristics of the structure - including its blockwork plinth and concrete base, its former use as a salon, its fixed service connections for electricity, water and sewage, and its presence on the site for approximately 15 years - together with established PAC and Council precedent accepting similar structures as buildings for the purposes of Policy CTY8, the evidence clearly supports the position that this is a compliant gap site.**

Accordingly, the proposal satisfies Policy CTY8, CTY 1 and CTY14 and, in turn, Policy AMP3.

For those reasons, we respectfully request that Members overturn the officer recommendation and approve the application.

Delegated Application

Development Management Officer Report

Case Officer: Elaine Eastwood	
Application ID: LA07/2024/1315/F	**Target Date:**
Proposal: Erection of Farm Dwelling and Garage	**Location:** Opposite and 42m South West of 41 Ballycoshone Road, Cabra, Newry BT34 5XD
Applicant Name and Address: Kevin McPolin 7 Ballyweely Road Cabra Newry BT34 5RQ	**Agent Name and Address:** Martin Byrne 20 School Road Jerrettspass Newry BT34 1SX
Date of last Neighbour Notification:	9 April 2025
Date of Press Advertisement:	13 November 2024
EIA Determination:	

Consultations:

- NIEA- Refer to standing advice.
- DAERA- Confirmed the farm business has been established more than 6 years, has claimed through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years and the application site is land which is currently claimed.
- NI Water- Approval
- DFI Roads- No objections in principle.
- Environmental Health:
  26/08/2025- No objection in principle subject to the dwelling being associated with the adjoining farm. If this is not the case because of the proximity of animal housing, Environmental Health must be re consulted.

  02/12/2025- The Agent submitted an Odour Impact Assessment and as such the Planning Department issued another consultation to Env Health. Environmental Health have reviewed the information and notes the proposed farm dwelling is situated over 75m from poultry sheds which are associated with the applicant. The Environmental Health Department has no objection in principle to the above proposed development subject to consent to discharge approval.

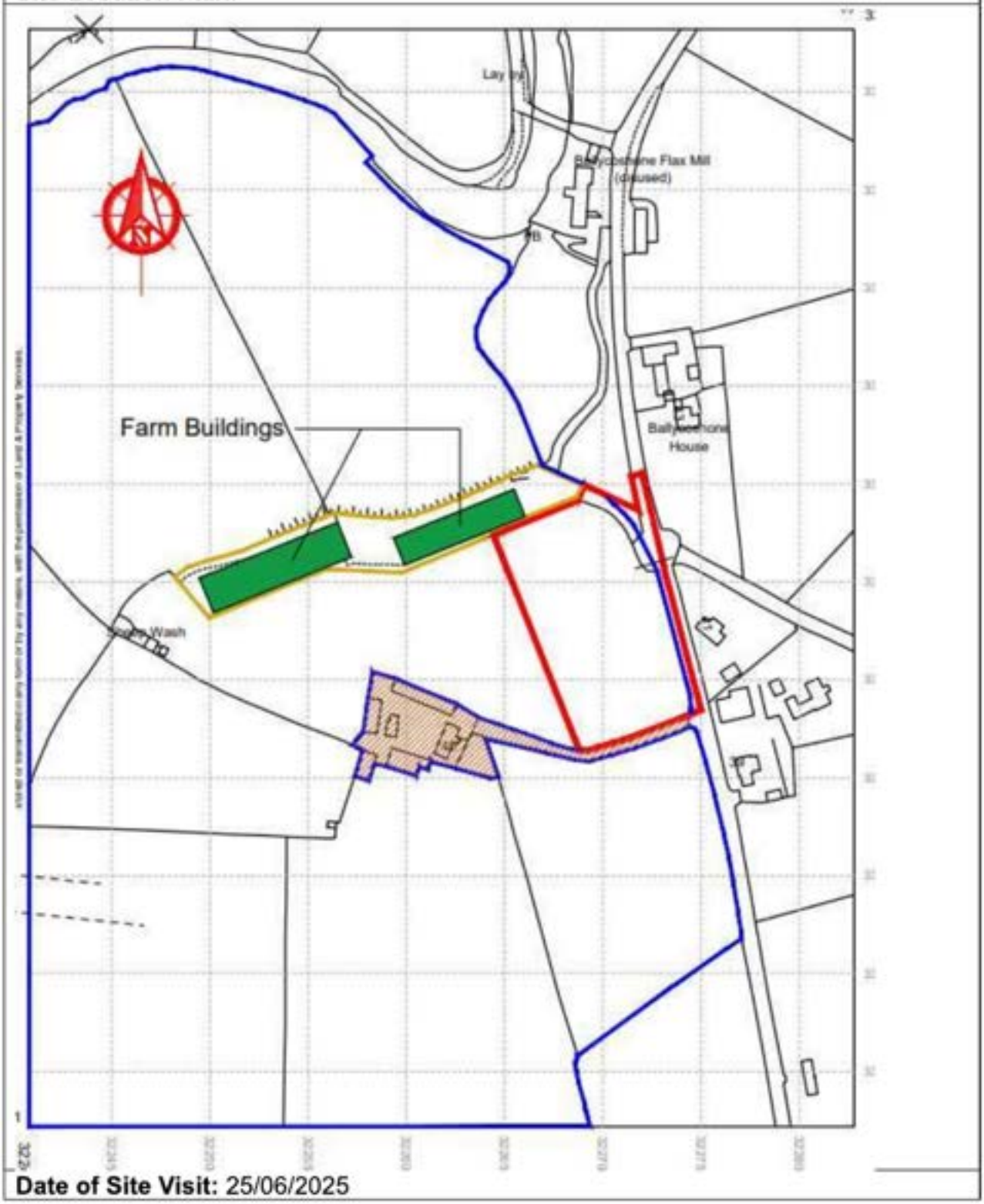
Representations:

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Summary of Issues: No objections or representations have been submitted.

Site Visit Report

Site Location Plan:



Date of Site Visit: 25/06/2025

Characteristics of the Site and Area

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

Description of Proposal

Erection of Farm Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

Planning History

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

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



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



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



Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

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

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

Banbridge/ Newry and Mourne Area Plan 2015

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

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

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

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

PPS21 Sustainable Development in the Open Countryside

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

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

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

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

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

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

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

Assessing the application against these criteria:

a) DAERA confirmed the farm business id was allocated in 2001 and payments have been claimed in each of the last 6 years. The application site is on lands which have been claimed. The proposal is considered to meet criterion a.

b) A planning history search has been conducted and no dwellings or development opportunities which may have been sold off were identified.

c) The application seeks to cluster with the poultry units to the north of the site c. 90m from the proposed dwelling. As detailed above, the Planning Department do not consider the new dwelling is visually linked or sited cluster with an established group of buildings on the farm. This is due to separation distances, the set back of the poultry units from the public road, the siting of the units behind each other and the topography of the adjoining field which further obscures views of the poultry units. Travelling both directions along Ballycoshone Road and from the junction with Ballyweely Road, the proposal will not visually link with the farm buildings as required by policy.

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

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

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

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

Policies CTY13 & CTY14

Policy CTY13 states that planning permission will be granted for a building in the countryside where is can be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

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



Front Elevation Facing North and Poultry ~~Facing~~ Elevation Facing North and Poultry Farm



Side Elevation Facing South



Rear Elevation Facing West



Side Elevation Facing East and Ballycoshone Road

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

Policy CTY 16
Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The application has outlined on the P1 form that a package treatment plant is the proposed means of disposing sewage. There appears to be sufficient lands within the control of the applicant to accommodate such plant and any associated works, having account the red and blue lands outlined.

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

PPS3
The application proposes a new vehicular access onto Ballycoshone Road. DFI Roads have been consulted and have no objections subject to conditions.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

Reasons for Refusal:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it is not visually linked or sited to cluster with an established group of buildings on a farm.

Case Officer Signature: E. Eastwood

Date: 5 December 2025

Appointed Officer Signature: M Keane

Date: 05-12-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Chartered Institute of
Architectural Technologists

Martin Byrne

M.C.I.A.T.

Building Design

SPEAKING RIGHTS/WRITTEN SUBMISSIONS

LA07/2024/1315/F Farm Dwelling at Opposite and 42m South West of 41 Ballycoshone Road, Cabra, Newry BT34 5XD

This application made under PPS21 CTY 10 – Dwellings on Farms
The application meets all the criteria set out in Planning policy however because of the nature of the farm business the applicant under the guidance of the Environmental Health Protection and Development service which falls under CTY10 part C *5.42 "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.*

Justification has been backed up by an odour assessment prepared by Irwin Carr Consulting.

It is my concluding belief having spoken to farmers, previous experience with Environmental Health reports and Irwin Carr Report. locating a dwelling in such close proximity to existing poultry houses and feed silos could result in future occupants being exposed to odour, noise, dust and flies. The severity of these impacts will depend on a number of factors, including the separation distance, the way the poultry houses are operated and managed, the number of chickens it houses and weather conditions. Oduors from poultry sheds come from a number of sources, mainly caused by the breakdown of droppings and litter, as well as the animal feed. Disturbance due to noise from any plant/ equipment associated with the poultry houses (e.g., ventilation plant) noise from animal feed delivery and from early morning operations /activities is also a consideration.
Part 7 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 sets out where permitted development rights may be used for the development of new agricultural buildings. Such rights exist where the development is more than 75m from any non-associated dwelling. This separation distance aims to minimize the likelihood of an adverse amenity impact being caused to the residents of nearby dwellings. Accordingly, it may be inferred that if a new dwelling were to be sited less than 75m away from an existing agricultural building, there is the potential for loss of amenity. This should also be considered in a reverse situation and the applicant should not be penalized because he or she is the applicant Farmer.
In view of this, EH would usually recommend, as in this case it is proposed to site a new residential dwelling close to poultry houses, that in order to ensure the occupants of such a dwelling are not adversely impacted by associated activities and not place restrictions on farm activity, a suitable separation distance is provided between the sheds and the residential dwelling. There is no prescriptive in relation to the distance to be applied but EH normally view, a separation distance of at least 75m from the residential dwelling to the poultry sheds should be applied. And for these reasons mentioned I Noted EH has no objections.
For these reasons above I ask the council Planning Committee to overturn this Planning recommendation of refusal.
Thank you for taking time with request

Martin Byrne

20 School Road, Jerrettspass, Newry, Co. Down BT34 1SX Tel/Fax 028 3082 1593 Mobile 07484526542

Delegated Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2024/1054/F	**Target Date:**
Proposal: Proposed single storey dwelling and detached garage.	**Location:** Adjacent to and SE of 36 Clonallon Road, Warrenpoint, BT34 3PH.
Applicant Name and Address: LISA & CARL DALY 36 CLONALLON ROAD WARRENPOINT BT34 3PH	**Agent Name and Address:** Bernard Dinsmore 19 Spring Meadows Warrenpoint
Date of last Neighbour Notification:	28 March 2025
Date of Press Advertisement:	2 October 2024
EIA Determination:	
Consultations: • DFI Roads • Northern Ireland Environment Agency (NIEA)- Natural Environment Division (NED) • NI Water • Historic Environment Division (HED)	
Representations: No representations have been received in respect of this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: n/a	

Site Visit Report

Site Location Plan:

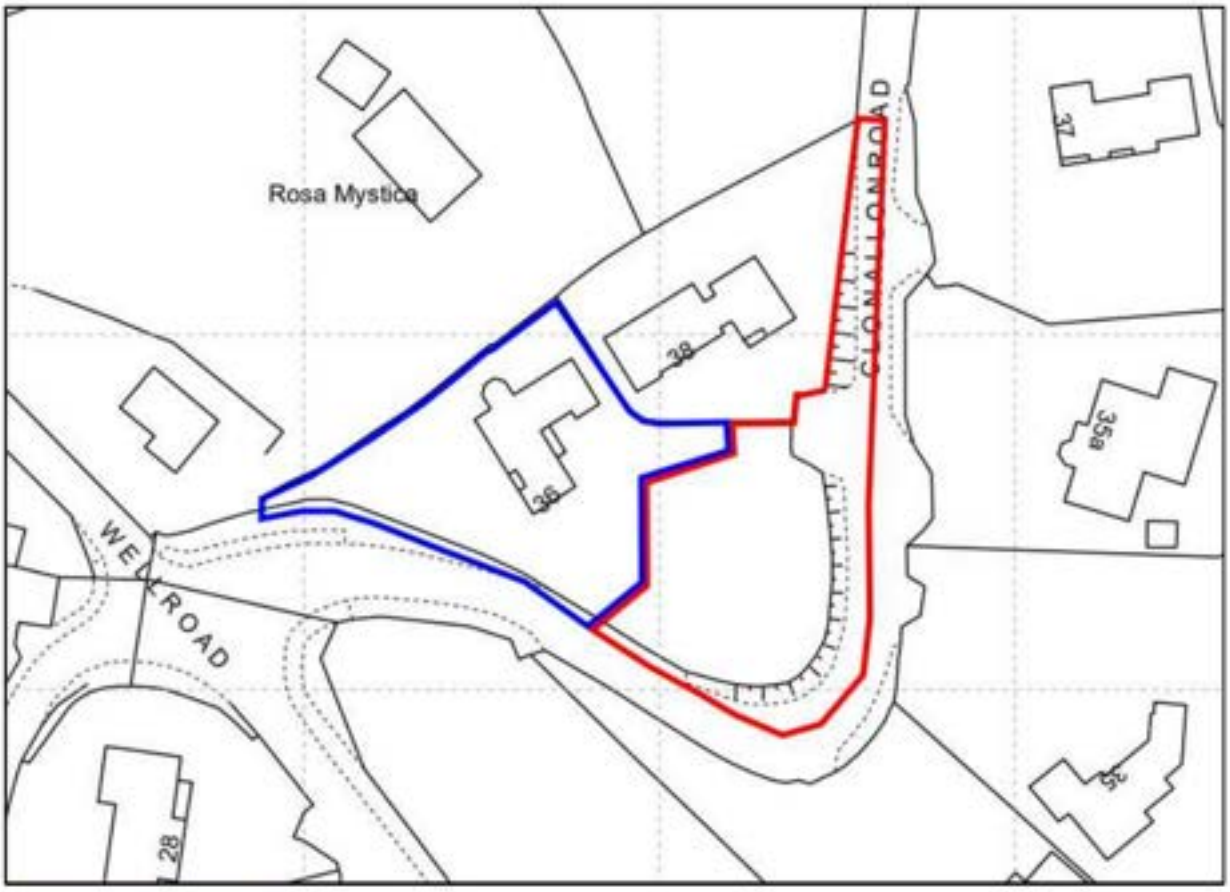


Figure 1- Site Location Plan

Date of Site Visit: 28/03/2025

Characteristics of the Site and Area

The application site is located to the east of No.36 Clonallon Road and occupies an area of the existing front garden of this dwelling. The application site is located within the Settlement Development Limits of Warrenpoint as designated within the Banbridge, Newry and Mourne Area Plan and on map 3/06a within the same plan. The site is also within the boundary of the Mournes Area of Outstanding Natural Beauty (AONB). The application site is accessed off the Clonallon Road through an existing access serving No.36, the Clonallon Road runs alongside the eastern boundary of the site.

The boundary to the south with Clonallon Road is defined by a mature hedgerow and trees. The boundary to the east with Clonallon Road defined by a mature hedgerow. The boundaries to the north and west are open. The existing character of the area can be defined as largely residential in nature with a mixture of housing types and styles found in this area.

Description of Proposal

The proposal seeks full planning permission for the erection of a single storey dwelling and detached garage. The new proposed dwelling is single storey in nature with two single storey rear returns. The dwelling will have an approx. ridge height of 7.2m at its highest point due to the sloping nature of the application site. The proposed Dwelling will be set into the contours of the site, facing east. Existing boundaries are to be retained, maintained and augmented with new boundary established to the west and north.

The proposed external finishes include a smooth render finish to the walls, flat black concrete roof tiles, white UPVC doors, windows, facia and soffits and black UPVC rainwater goods. The proposal includes a detached single garage as shown below which is to be situated in the northern portion of the application site. The approx. ridge height of the garage is 4.7m with the proposed finishes to match that of the dwelling.

The proposed plans submitted for consideration are shown below:



Figure 2- Site Layout Plan

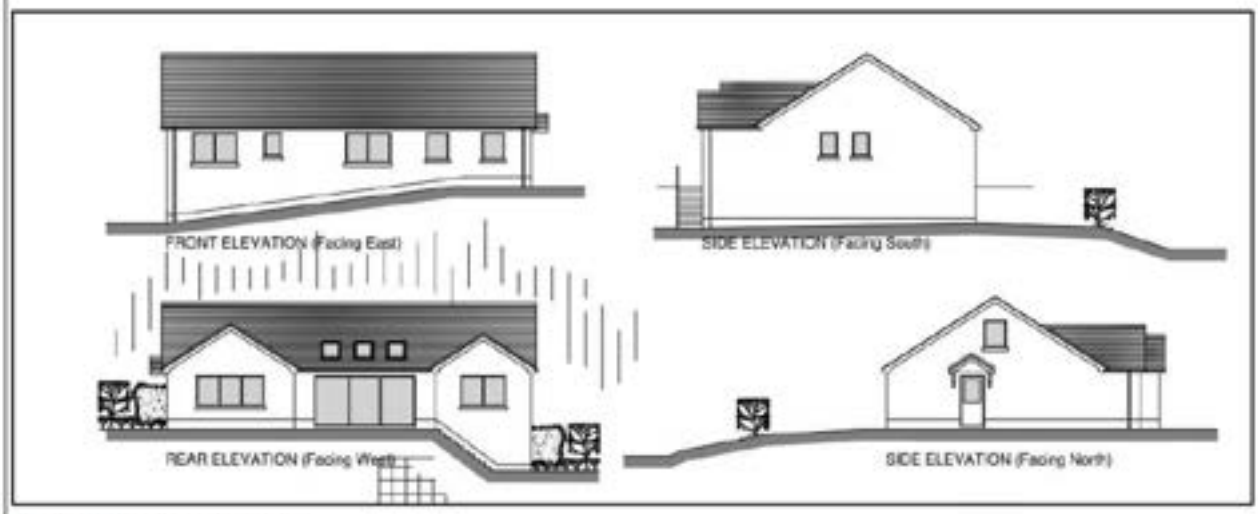


Figure 3- Proposed Elevations



Figure 4- Proposed Floor Plan

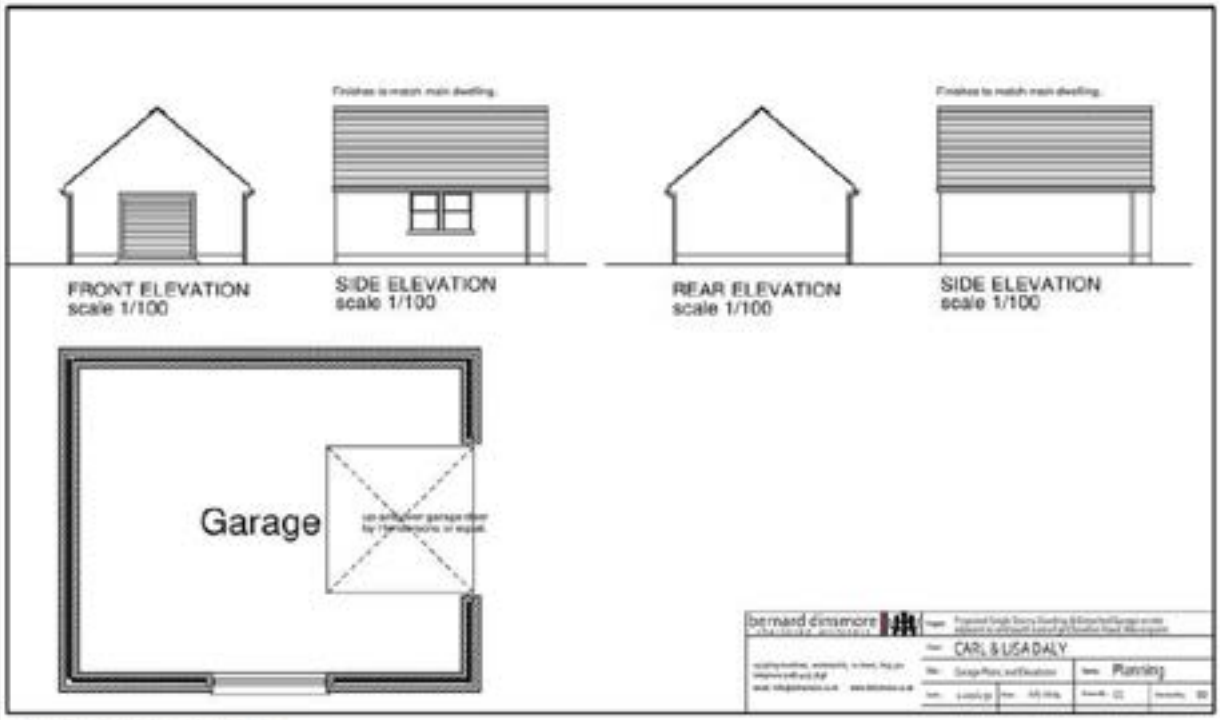


Figure 3- Proposed Garage

Information:

Following an initial assessment of the plans submitted, the Planning Department contacted the agent via email on the 30TH June 2025 to outline the concerns regarding the current proposal. While it was acknowledged that the application site lies within the Settlement Development Limit of Burren/Warrenpoint, concerns were raised about the overall principle of development at this location. The proposal is considered out of character with the surrounding area and unsympathetic to its existing context. Specifically, the plot size and positioning of the proposed dwelling are deemed unacceptable. In its current form, the site is not considered suitable to accommodate a dwelling without causing amenity issues for neighbouring properties, including concerns relating to dominance, overshadowing, and overlooking. The agent responded with a rebuttal to the concerns raised by the Planning Department however no amended plans or revisions to the proposal were received. The below assessment is based on the above plans.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed against the following policy and guidance:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments and Addendum
- PPS 2 Natural Heritage
- PPS 6 Planning, Archaeology and the Built Heritage
- DCAN8

PLANNING HISTORY

The planning history associated with the application site is listed below:

Application Number: P/1976/0885
Proposal: PROPOSED SITE OF 4 BUNGALOWS
Decision: Permission Refused
Decision Date: 22 December 1976

Application Number: P/1977/0033
Proposal: PROPOSED SITE OF 3 BUNGALOWS
Decision: Permission Granted
Decision Date: 18 February 1977

Application Number: P/1977/003301
Proposal: PROPOSED BUNGALOW
Decision: Permission Granted
Decision Date: 08 May 1978

Application Number: P/1977/003302
Proposal: ERECTION OF BUNGALOW
Decision: Permission Granted
Decision Date: 26 September 1979

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Design and Access Statement
- Site Location Plan
- Site Layout Plan
- Proposed Floor Plans
- Proposed Elevations
- Biodiversity Checklist

CONSULTATIONS

The following consultations were issued as part of assessing this application:

- DFI Roads- Content subject to conditions.
- NIEA- Following receipt of an amended biodiversity checklist and ecological statement no objections were raised subject to conditions.
- NI Water- Content no objections.
- HED- Content no objections.

REPRESENTATIONS

Nine neighbours were identified to be notified with regards to this application. The application was advertised in the Newry Reporter in September 2024. No objections have been received to date with regards this application.

EVALUATION

Environmental Impact Assessment
As the proposal is within a designated area (Mournes AONB) it falls under Schedule 2 category 10b of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council as determined through an EIA screening on 15th January 2026 that an Environmental Statement was not required, a copy of the EIA screening determination is retained on file, with the agent was also notified of this.

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

Banbridge / Newry & Mourne Area Plan 2015
The application site is located within the Settlement Development Limit (SDL) of Warrenpoint / Burren (WB01) and the site is on unzoned land.

The Strategic Planning Policy Statement (SPPS)
The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing polices then the SPPS should be afforded greater weight. However, were the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy. The SPPS sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12. These planning control principles are addressed in Policy QD 1 of PPS 7.

PPS 7 Quality Residential Environments
PPS 7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS 7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposal's layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and

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

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

While it is acknowledged that the application site lies within the Settlement Development Limit of Burren/Warrenpoint and has an established planning history, it is noted that outline permission for three bungalows was granted in 1977 under reference P/1977/0033. Two of these dwellings were subsequently constructed under references P/1977/33/1 and P/1977/33/2, with the remaining approved bungalow never implemented (and is now long expired). It is important to note that these historic approvals predate the current planning policy framework and, as such, carry limited weight in the assessment of the present proposal. Having assessed the application against the requirements of Policy QD1 of PPS7, the Department considers the development, in its current form, to be unacceptable. The proposal fails to respect the established character, appearance, and pattern of development in the surrounding area and is not in keeping with the prevailing built form along Clonallon Road. The scale, form, plot size and siting of the proposed development are inappropriate to the site context and do not reflect the local character of the area. Furthermore, the site, as proposed, is not considered capable of accommodating a dwelling of this nature without giving rise to unacceptable impacts on the amenity of neighbouring properties and the Planning Department consider this to be overdevelopment of the application site. The development would result in issues of dominance, overshadowing, and overlooking, to the detriment of adjacent residential amenity, which are addressed in further detail later in this report. Overall, the proposal is considered wholly out of keeping with the character of this section of Clonallon Road and would adversely affect the established streetscape, failing to respond sympathetically to its surrounding context.

Additional concerns arise in relation to the presentation of the dwelling from public viewpoints. By virtue of its siting, footprint and layout, the proposal would appear visually dominant and incongruous in relation to neighbouring properties and street-scene, resulting in a stark and discordant form of development that neither integrates with nor complements the existing residential environment. Consequently, the proposal would fail to preserve or enhance the visual amenity of the area, contrary to the aims of Policy QD1. The Planning Department therefore remains concerned about the acceptability of the proposal and considers it to be contrary to Criterion A of Policy QD1.

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

The application site lies within the consultation zone of DOW054:002 Designed Landscape Feature, and the Historic Environment Division (HED) was therefore consulted. HED advised that the proposed development would not result in undue harm to this designated feature. In relation to landscape and ecological considerations on the site, a biodiversity checklist and ecological statement were submitted and consulted upon with the NED. NED raised no concerns regarding the site's natural heritage, and the Planning Department has no reason to disagree with this assessment. Accordingly, the Department is satisfied that the proposal complies with Criterion B.

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

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

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

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

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

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

F) *adequate and appropriate provision is made for parking;*

The proposed site layout plan shows adequate space for at least 2 car parking spaces within the site which is deemed acceptable. DFI Roads have been consulted and have no objections subject to
conditions.

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

While the Planning Department has concerns regarding the overall site layout and suitability of the proposal, it is acknowledged that the proposed design, form, materials, and detailing are generally acceptable and would be considered unoffensive in isolation. The Planning Department are content with Criterion G.

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

As outlined above, the application site is effectively located within the current front garden of No. 36 Clonallon Road. The Planning Department is of the view that the proposal would conflict with the adjacent land use, in particular the neighbouring dwelling located to the rear.

Given that the application site sits at a higher ground level than this neighbouring property, the proposed development would have an unacceptable adverse impact on residential amenity, resulting in loss of light, increased overlooking, and overshadowing to the detriment of the existing dwelling.

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

The Planning Department are content this criterion has been met.

Addendum to PPS 7 Safeguarding the Character of Established Residential Areas
Policy LC1 of the Addendum to PPS 7 states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria within Policy LC1 are met. As noted above the proposal fails to meet all of the criteria set out within Policy QD1 however in the interests of clarity the proposal will still be assessed against the criteria of Policy LC1.

a) the proposed density is not significantly higher than that found in the established residential area;
b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;
c) all dwelling units and apartments are built to a size not less than those set out in Annex A

Para 2.4 of Policy LC 1 states "*When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.*"

The Planning Department is of the view that the application site cannot adequately accommodate the proposed development. As the proposal would result in a new dwelling in the front garden area of No.36 it would result in a level of density that is not in keeping with the established character of the area. In addition, the development raises significant concerns in respect of its impact on No. 36 Clonallon Road. By virtue of its scale, siting, and elevated position relative to the neighbouring dwelling and road, the proposal would appear unduly dominant and would give rise to unacceptable overlooking, resulting in a clear loss of residential amenity. The form, siting, layout and overall approach of the development as a whole, therefore fail to respect the character of the surrounding area and the amenities of adjoining properties, and are considered incompatible with the established pattern of development. The Planning Department consider that the proposal does not meet criterion a and b of Policy LC1.

PPS 6 Planning, Archaeology and the Built Heritage
The application site is within the consultation zone of DOW054:002 Designed Landscape Feature. HED were consulted in light of this and have provided no objection. The comments from HED have been noted, whereby the Planning Dept agree and it is considered that the application will not have any significant influence on historical sites.

PPS3 Access, Movement and Parking
PPS 3 sets out the policy requirements for access, movement and parking, while DCAN 15 provides guidance on vehicular access standards. The proposal includes amendments to the existing vehicular access onto the Clonallon Road. Having consulted DFI Roads they have offered no objections to the proposal subject to conditions.

PPS2 Natural Heritage
PPS2 sets out the planning policies for the conservation, protection, and enhancement of Northern Ireland's natural environment. The policy aims to safeguard biodiversity, geological features, and natural landscapes from inappropriate development, while promoting sustainable use and enjoyment of the natural environment. PPS2 provides the framework for assessing potential impacts on designated sites, habitats, and species, ensuring that development proposals respect and enhance natural heritage values. The application site is not within close proximity of any national or internationally designated sites.

The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development is not considered to be an issue. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites.

Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law. A Biodiversity Checklist was submitted alongside the application with an ecological statement. The ecological statement noted that the application site was assessed as having a low foraging potential while the trees were assessed as having no bat roosting potential, it is of note that all trees are to remain in situ. The ecological statement goes on to note that no priority habitats are present on site and therefore no impact on these habitats will result from the proposed development. It also notes that no other priority species were present onsite. NED were consulted and offered no objections subject to conditions. It is therefore considered that the proposal is not contrary to the provisions of Policy NH2 & NH5.

In considering Policy NH6 of PPS2, which seeks to ensure that development within an AONB conserves or enhances the area's natural beauty and distinctive character, the proposal is deemed unacceptable. As outlined above it is considered that the scale, form, plot size and siting of the proposed dwelling are inappropriate to the site context and do not reflect the traditional residential features that contribute to the local character. The proposal is considered to be contrary to NH6 of PPS2.

The drawings assessed as part of this application are listed below:
P01, P02a, P03 and P04.

Neighbour Notification Checked Yes

Summary of Recommendation

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

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments in that:
   - the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, appearance of buildings, structures and landscaped and hard surfaced areas;
   - the design and layout will create conflict with adjacent land uses and there would unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy LC1 of Planning Policy Statement 7 Addendum, Safeguarding the Character of Established Residential Areas in that:
   - the pattern of development is not in keeping with the overall character and environmental quality of the established residential area;
   - the proposed density is significantly higher than that found in the established residential area.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that:
   - the scale is unsympathetic to the special character of the AONB,
   - It does not respect or conserve the character, appearance and heritage of the area; And
   - the proposals do not respect the local architectural style and pattern, and design of the area.

Case Officer Signature: Fergal Connolly

Date: 15th January 2026

Appointed Officer Signature: M Keane

Date: 15-01-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Representation Against Recommendation to Refuse

Application reference:	LA07/2024/1054/F
Applicant:	Lisa & Carl Daly
Site Location:	Adjacent to and SE of 36 Clonallon Road, Warrenpoint, BT34 3PH
Proposal:	Single Storey Dwelling And Detached Garage
Neighbour Notifications:	No objections
Statutory Consultations:	No objections

Recommendation Reason No. 1

Planning Services acknowledge that the application site lies within the settlement limits of Burren / Warrenpoint and has an established planning history. However, they have effectively ignored this history as a material consideration, in my view erroneously, given that the planning permission for the entire site has been partially implemented. The Outline Planning Permission for the development, (P/33/77), (Fig 1 / Visual 1), the three Reserved Matters Approvals (P/33/77, P/33/1/77 and P/33/2/77) taken together with construction of the site entrance and two of the dwellings within the approved development render the application site live and valid.

Planning Services opine that the proposed dwelling fails to respect the established character, appearance and pattern of development in the surrounding area and is not in keeping with the prevailing built form along Clonallon Road. There is no prevailing built form. There is a typical suburban mix of development typology. Criteria (a) of QD1 PP7 to which Planning Services refers expects a development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings structures landscaped and hard surfaced areas. This is a modest single storey mobility dwelling, the design of which Planning Services find acceptable under Criteria (g), set into the slope similar to its neighbours and within existing mature landscaping. The principle of development in this specific location has already been previously established, therefore the proposal cannot be considered out of character. It conforms with Criteria (a) of QD1 PPS 7.

Contrary to Planning Service claim, the site is not in the front garden of no. 36. The historical approval confirms that it is an individual site suitable to accommodate a third dwelling within a development, without causing loss of amenity to neighbouring properties. The site section submitted with the application indicates a ridge height around one metre below the dwelling to the north (no. 38) and is similar to no. 36. Further, the separation distance is wholly in accordance with published departmental guidelines ensuring the design and layout will not create conflict with adjacent land uses. The dwelling has been designed to ensure that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. It conforms with Criteria (h) of QD1 PPS7.

Recommendation Reason No. 2

If the application conforms to Criteria (a) and (h) of QD1 PPS7 then Policy LC1 of Addendum to PPS7 is not relevant to this application. Housing density has already been established, the pattern of development already exists, and the dwelling unit would be built to the relevant size in Annex A.

Notwithstanding, there are clear recent examples in the immediate vicinity of this site on Clonallon Road where Planning Services have approved applications of the nature they opine is somehow unacceptable on this site. Ref: LA07/2016/1470/F, P/2007/1585/F and P/2005/2159/F. As shown Fig 2 / Visual 2.

Reason no. 2 for refusal is not sustainable.

Recommendation Reason No. 3

Under PPS 2 Planning Service acknowledge that HED and NED raised no concerns to the application. If it is deemed that it satisfies all Criteria within QD1 of PPS7, which I believe it does, then it satisfies policy NH6 of PPS2.

In summary I contend that the application site remains live and valid. It is part of a planning permission for a three dwelling development that has been partially implemented. The fact that the approvals pre-date current planning policy is irrelevant. There has been little or no change to duration of planning permission guidelines between Article 26 of the Planning (NI) Order 1972, and, Section 61 of the Planning Act (NI) 2011.

Further I contend that taken in isolation the application also stands the tests of current Planning Guidelines under PPS7 particularly given the recent approvals for the not dissimilar applications referred to.

OUTLINE PLANNING PERMISSION
Planning (Northern Ireland) Order 1972

Department of Housing, Local Government and Planning

ENVIRONMENT (NI) 04/2/77

Application No: 2/55/77
Date application received: 14 January 1977

Applicant : James Duffy

Agent : J J and J S Cole 20 Church Street Warrenpoint

Site of proposed development : Clonallan Road Warrenpoint

Description of proposal : Proposed site of 3 bungalows

The Department of Housing, Local Government and Planning in pursuance of its powers under the above-mentioned Order HEREBY GRANTS OUTLINE PLANNING PERMISSION for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:—

1. As required by Article 26 of the Planning (Northern Ireland) Order 1972 application for approval of the matters reserved in condition 2 must be made within ...three... years of the date on which this permission is granted and the development to which this permission relates must be begun by whichever is the later of the following dates:—

(i) the expiration of a period of ...five... years from the date hereof; or

(ii) the expiration of ...two... years from the final approval of any matters reserved in condition 2.

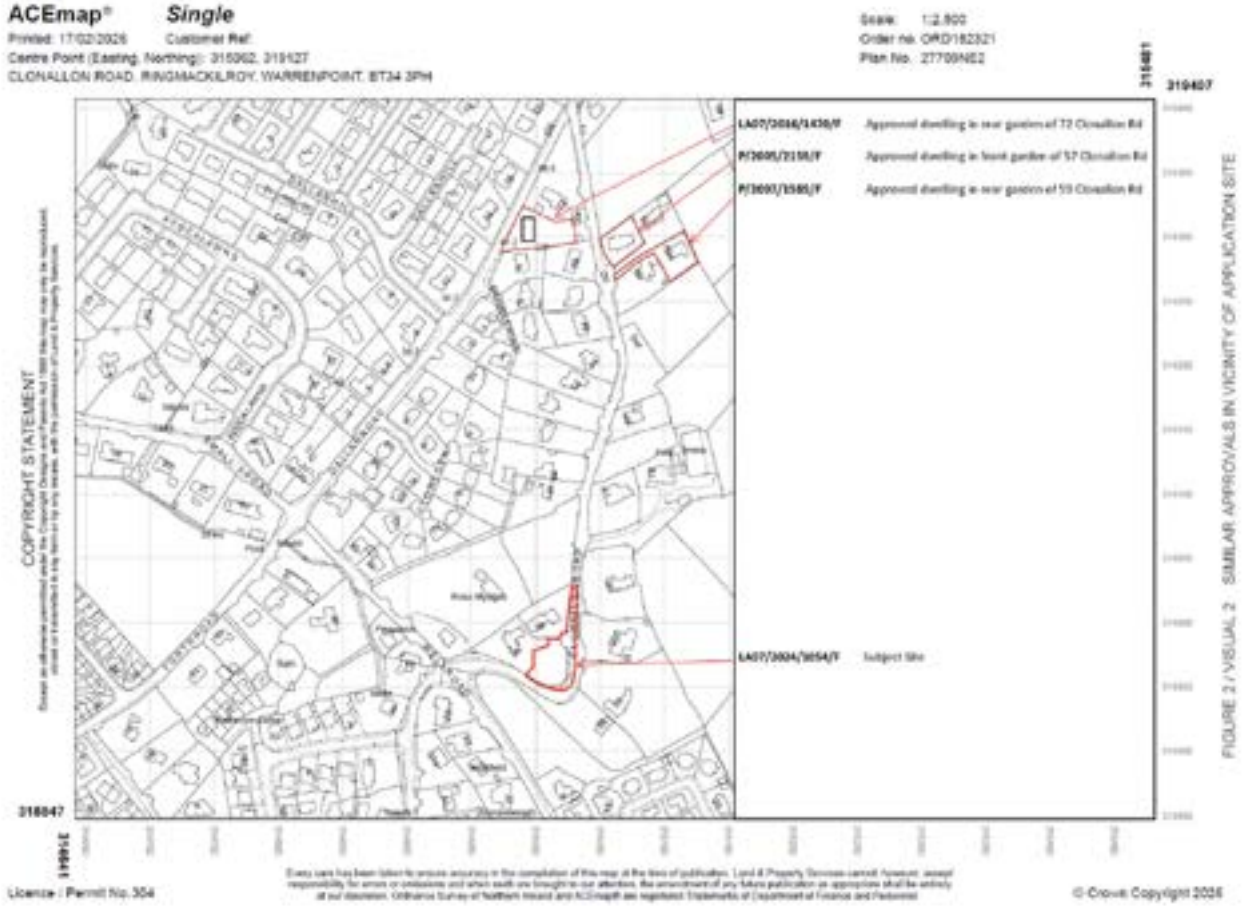


FIGURE 2 / VISUAL 2 SIMILAR APPROVALS IN VICINITY OF APPLICATION SITE

B. DINSMORE 17TH FEB 2026

Department for Infrastructure
An Roinn Bonneagair
Depairtment fur Infrastructure
www.infrastructure-ni.gov.uk

Regional Planning Governance & Legislation

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2-4 Cromac Avenue
The Gasworks
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Tel: 0300 200 7830

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julie.maroadi@infrastructure-ni.gov.uk

Heads of Planning (Councils)

Your Ref:

Our Ref: DfIPG 045/26

16 February 2026

Dear Heads of Planning

Save the Date – Renewable Energy Workshop, 11 March 2026

As part of the Planning Improvement Programme, the Department in collaboration with local councils and Renewable NI will be hosting a series of workshops focused on capacity building and knowledge development in renewable energy technologies within the planning profession. The first workshop will take place on Wednesday, 11 March 2026. Further details of venue and agenda will be provided in due course.

These workshops will bring together colleagues from local and central government, alongside representatives from the renewable energy sector and other relevant stakeholders. The aim is that together, we will work through the processes involved in handling renewable energy proposals, explore new and emerging technologies, consider both opportunities and concerns, and share practical learning to strengthen assessment, decision-making, and professional confidence.

Our aim is to support planners and decision makers in developing the skills and understanding needed to deliver outcomes that reflect the **three pillars of sustainable development:**

- **Environmental** - supporting the transition to clean energy and responding to climate commitments.
- **Economic** - enabling responsible investment and growth in the renewable sector.
- **Social** - ensuring communities benefit from well-designed, well-assessed proposals that contribute to long-term wellbeing.

A full agenda and further information will follow shortly, but for now, please **save the date**. Numbers will be limited to around **three attendees (including planners/committee members) per council,** and we would be grateful if you could nominate planners and committee members from your council to take part. We can then reach out to the individuals with further information.

Please send attendees names to: legislation.planning@infrastructure-ni.gov.uk.

Yours sincerely

Rosemary Daly

ROSEMARY DALY
Chief Planner & Director

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING COMMITTEE MEETING – 20 AUGUST 2025			
LA07/2023/2331/F	66 Moss Road, Glassdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	**Withdrawn by the Planning Dept**	B Ferguson	**Deferred for further consideration**	N
		PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2025			
LA07/2023/2230/O	55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU – Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works	**Deferred to allow for submission of Listed Building consent application**	B Ferguson	**Awaiting submission of LB consent**	N
		PLANNING COMMITTEE MEETING – 12 NOVEMBER 2025			
LA07/2025/0482/O	50m S. of No.32 Tullyah Road, Belleeks, Newry, Co,Down, BT35 7QP - Erection of dwelling and domestic garage in gap/infill site	**Deferred**	A Loughran	**Site visit to be arranged**	N
		PLANNING COMMITTEE MEETING – 14 JANUARY 2026			
LA07/2024/1288/F	3 Ballynahinch Road, Saintfield, BT24 7AE - Demolition of existing buildings and erection of 6 no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch	**Deferred**	B Ferguson	**To be tabled at Feb 26 Committee**	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Road (amended proposal and plans)				
LA07/2024/ 1315/F	Opposite and 42m SW of 41 Ballycoshone Road, Cabra, Newry, BT34 5XD - Erection of farm dwelling and garage.	**Deferred**	M Keane	**To be tabled at Feb 26 Committee**	Y