



February 29th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 6th March 2024** at **10:00 am** in **Boardroom Council Offices Monaghan Row Newry**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 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

For Information

Item 6 - Cllrs Byrne, Campbell, Enright, Finnegan, Hanna, Larkin, McAteer, D Murphy, S Murphy, Rice and Tinnelly attended a site visit on 20-02-2024

4.0 Minutes of Planning Committee held on 7 February 2024

For Approval

 *DRAFT Planning Committee Minutes 7 February 2024.pdf*

Page 1

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

For Decision

 *Addendum list - 06-03-2024.pdf*

Page 11

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

6.0 LA07/2022/0246/F - Lands approx. 160m SE of Clanmaghery Road, Tyrella, Downpatrick - 3 eco-pods, ancillary car park and associated site works

For Decision


REFUSAL

A site visit was held on 20/02/2024.


In line with the Operating Protocol, no further speaking rights are permitted on this application.

In Objection: Monty Sneddon and Lisa Gray will be present to answer any questions Members may have.

In Support: Michael Clarke, agent, alongside Edward and Kathryn Hanna (applicants) will be present to answer any questions Members may have.

 *Item 6 - LA07-2022-0246-F.pdf*

Page 12

 *LA07.2022.0246.F - Laneway.pdf*

Page 30

Development Management - Planning Applications for determination

7.0 LA07/2022/0546/F - Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel - Installation of a 20m pole to host integrated antenna and 2no. 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets

For Decision

APPROVAL

Item 7 - LA07.2022.0546.F.pdf

Page 32

8.0 LA07/2022/1838/F - Lands at Church Lane, Warrenpoint and to the rear of 9 & 11 Mary Street Warrenpoint, BT34 3NT - Erection of 2 apartments

APPROVAL

Item 8 - LA07-2022-1838-F.pdf

Page 48

9.0 LA07/2021/0904/F - Lands to the rear of 134-136 High Street Newry, BT34 1HH - Erection of 1 No. 2 storey block, comprising 4 No. apartments.

APPROVAL

Item 9 - LA07-2021-0904-F.pdf

Page 58

10.0 LA07/2019/1162 - Lands adjacent to and south west of 7 Saintfield Road and north of 41 Moss Lane Ballynahinch - Proposed erection of 5 detached dwellings and associated parking, 3 garages, landscaping, road widening and all other associated site and access works

APPROVAL

Item 10 - LA07.2019.1162.F.pdf

Page 71

11.0 LA07/2022/1358/O - Land adjacent to & east of 7 Spa Grange The Spa Ballynahinch - Detached single dwelling

APPROVAL

Item 11 - LA07.2022.1358.O.pdf

Page 85

12.0 LA07/2023/1934/F - The Courtyard, 11 Scotch Street, Downpatrick - Change of use from hairdressing salon to single bed apartment.

REFUSAL

Speaking rights have been requested by Neale Weir in objection to the application.

Speaking rights have been requested by Michael Bailie, agent, in support of the application.

Speaking rights have been requested by Councillor G Sharvin in support of the application.

 <i>Item 12 - LA07.2023.1934.F.pdf</i>	<i>Page 102</i>
 <i>item 12 - LA07.2023.1934.F objection.pdf</i>	<i>Page 117</i>
 <i>item 12 - LA07.2023.1934.F support -agent.pdf</i>	<i>Page 120</i>
 <i>Item 12 - LA07.2023.1934.F support - Cllr GS.pdf</i>	<i>Page 122</i>

13.0 LA07/2023/2331/F - Lands 80m to the west of Moss Road, Ballynahinch - Dwelling on a farm

REFUSAL

Speaking rights have been requested by David Worthington, agent, in support of the application.

 <i>Item 13 - LA07.2023.2331.F.pdf</i>	<i>Page 123</i>
 <i>Item 13 - LA07.2023.2331.F support.pdf</i>	<i>Page 133</i>

14.0 LA07/2022/1696/O - Approx. 58m East of No. 11 Flagstaff Road Newry BT35 8NP. - Proposed dwelling and detached domestic garage on an infill site

REFUSAL

Speaking rights have been requested by Declan Rooney, agent, in support of the application.

 <i>Item 14 - LA07.2022.1696.O.pdf</i>	<i>Page 135</i>
 <i>Item 14 - LA07.2022.1696.O - support.pdf</i>	<i>Page 140</i>

For Agreement

15.0 Listing of Buildings of Special Architectural or Historic

Interest

For Approval

Communication from Department for Communities - Addition to List of Buildings of Special Architectural or Historic Interest in Newry, Mourne and Down District Council - Historic Building List number 4104 - 4120.

4104 - HB16/19/019 - Ballykeel Bridge, Mill Road, Ballykeel.

4105 - HB16/21/053 - Bridge leasing to 11 Kilmonaghan Road, Goragh.

4106 - HB16/23/026 - Farm buildings including walling and gates at Derrymore House, Derrymore.

4107 - HB16/25/036 - Boundary post near 37 Armagh Road, Newry.

4108 - HB16/25/037 - Boundary post near 28 & 30 Armagh Road, Newry.

4109 - HB16/26/068 - Boundary post near 69 Downshire Road, Newry.

4110 - HB16/26/082 - Boundary post near 1 Windsor Court, Rathfriland Road, Newry.

4111 - HB16/27/007 - Boundary post near 2 Upper Kiln Street, Newry.

4112 - HB16/27/010 - Boundary post near 1 Hillside Terrace, Dorans Hill, Newry.

4113 - HB16/28/108 - Boundary post near 4D Temple Hill Road, Newry.

4114 - HB16/28/109 - Boundary post near 3 Temple Hill Road, Newry.

4115 - HB16/28/110 - Boundary post near 23 The Manse, Windmill Road, Newry.

4116 - HB16/29/014 - Boundary post near 1 Dublin Road, Newry.


4117 - HB16/29/028 - Boundary post near 49-51 Drumalane Road, Newry.

4118 - HB16/30/040 - Boundary post near St Mary's Cemetery, Warrenpoint Road, Newry.

4119 - HB16/30/041 - Boundary post near 1 Hawthorn Villas, Barley Land, Newry.


4120 - HB16/30/042 - Boundary post near 12 Carnagh Park, Chapel Road, Newry.

15.1 HB16/19/019

 ***HB16 19 019.pdf***

Not included

15.2 HB16/21/053

 ***HB16 21 053.pdf***

Not included

15.9	HB16/27/010 📄 <i>HB16 27 010.pdf</i>	<i>Not included</i>
15.10	HB16/28/108 📄 <i>HB16 28 108.pdf</i>	<i>Not included</i>
15.11	HB16/28/109 📄 <i>HB16 28 109.pdf</i>	<i>Not included</i>
15.12	HB16/28/110 📄 <i>HB16 28 110.pdf</i>	<i>Not included</i>
15.13	HB16/29/014 📄 <i>HB16 29 014.pdf</i>	<i>Not included</i>
	📄 <i>HB16 29 014 Listing Notice.pdf</i>	<i>Not included</i>
	📄 <i>HB16 29 014 Listing Map.PDF</i>	<i>Not included</i>
	📄 <i>HB16 29 014 HBC Report.pdf</i>	<i>Not included</i>
15.14	HB16/29/028 📄 <i>HB16 29 028.pdf</i>	<i>Not included</i>
15.15	HB16/30/040 📄 <i>HB16 30 040.pdf</i>	<i>Not included</i>
	📄 <i>HB16 30 040 Listing Notice.pdf</i>	<i>Not included</i>
	📄 <i>HB16 30 040 Listing Map.PDF</i>	<i>Not included</i>
	📄 <i>HB16 30 040 HBC Report.pdf</i>	<i>Not included</i>
15.16	HB16/30/041 📄 <i>HB16 30 041.pdf</i>	<i>Not included</i>
	📄 <i>HB16 30 041 Listing Notice.pdf</i>	<i>Not included</i>
	📄 <i>HB16 30 041 Listing Map.PDF</i>	<i>Not included</i>

15.17 HB16/30/042

For Discussion/Decision

16.0 Call for Evidence: Future Focused Review of the SPPS on the Issue of Climate Change

For Decision

📄 *PC Report re Call for Evidence - Review of SPPS on the issue of Climate Change.pdf* *Page 142*

📄 *Appendix 1 - Call For Evidence - Future Focused Review of the SPPS on the Issue of Climate Change.pdf* *Page 145*

📄 *Appendix 2 - Council Response on Call for Evidence.pdf* *Page 165*

For Noting

17.0 Historic Action Sheet

For Approval

📄 *Planning Historic Tracking Sheet - 20240207.pdf* *Page 172*

Invitees

- Cllr Terry Andrews
- Cllr Callum Bowsie
- Mrs Fionnuala Branagh
- Cllr Jim Brennan
- Cllr Pete Byrne
- Mr Gerard Byrne
- Cllr Philip Campbell
- Mr Andrew Cassells
- Cllr William Clarke
- Cllr Laura Devlin
- Ms Louise Dillon
- Cllr Cadogan Enright
- Cllr Killian Feehan
- Cllr Doire Finn
- Cllr Aoife Finnegan
- Cllr Conor Galbraith
- Cllr Mark Gibbons
- Cllr Oonagh Hanlon
- Cllr Glyn Hanna
- Cllr Valerie Harte
- Cllr Roisin Howell
- Cllr Jonathan Jackson
- Cllr Geraldine Kearns
- Mrs Josephine Kelly
- Cllr Tierna Kelly
- Cllr Cathal King
- Ms Nora Largey (BCC)
- Cllr Mickey Larkin
- Cllr David Lee-Surginor
- Cllr Alan Lewis
- Cllr Oonagh Magennis
- Mr Conor Mallon
- Cllr Aidan Mathers
- Cllr Declan McAteer
- Cllr Leeanne McEvoy
- Jonathan McGilly
- Cllr Andrew McMurray
- Cllr Declan Murphy
- Cllr Kate Murphy
- Cllr Selina Murphy
- Cllr Siobhan O'Hare
- Cllr Áine Quinn

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

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 7 February 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

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

Officials in attendance: Mr J McGilly, Assistant Director of Regeneration
Mr Pat Rooney, Principal Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms A McAlarney, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Ms S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

**Officials in attendance
via Teams:** Councillor G Sharvin

P/010/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

The Chairperson advised that item 14 had been removed from the agenda.

P/011/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/012/2024: 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.

- Item 6 - LA07/2020/1651/F – Cllrs Byrne, Finnegan, Hanna, Larkin, McAteer, D Murphy, Rice and Tinnelly attended site visits on 24-01-2024.
- Item 7 – LA07/2023/2125/0 - Cllrs Byrne, Finnegan, Hanna, Larkin, McAteer, D Murphy, Rice and Tinnelly attended site visits on 24-01-2024.

MINUTES FOR CONFIRMATION**P/013/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 10 JANUARY 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 10 January 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 January 2024 as a true and accurate record.

FOR DISCUSSION/DECISION**P/014/2024: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 7 February 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor S Murphy, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 7 February 2024:

- **LA07/2022/1444/F - 23 Main Street Camlough - New Public House**
APPROVAL
- **LA07/2021/1427/O – Site at and directly adjacent (North and West) to no. 24 Nursery Drive, Daisy Hill, Newry, BT35 - Site for housing development with new road access and associated site works**
APPROVAL
- **LA07/2023/3447/F - Lands East of the (A1) Belfast Dublin Dual Carriageway (Southbound) Off slip signposted towards Newry/Craigavon (A27) and Armagh (A28) at Newry. Lands are South of the Link Road connecting the (A27) Tandragee Road and (A28) Armagh Road, approx. 300m West of the Tandragee Road/Carnbane Road/Shepherds Way Roundabout, Newry - To Vary Condition No. 18 of planning permission LA07/2017/1182/F**
APPROVAL
- **LA07/2018/1089/F - South East of St Marys Primary School, Old Grand Jury Road, Saintfield Parks, Saintfield - Proposed Housing Development consisting of 16 units (6no. Detached and 12 no. semi-detached), landscaping proposals and associated site works. (amended description, site layout and sections)**
APPROVAL
- **LA07/2022/1678 - 90m East of Modern Tyres and 140m NE of No. 3A Derryboy Road, Newry - site for one manufacturing and maintenance building**
APPROVAL

DEVELOPMENT MANAGEMENT –**P/015/2024 PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)****(1) LA07/2020/1651/F****Location:**

75m north of 18 Ballinasack Road, Mullaghbawn, Newry BT35 9XT

Proposal:

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney presented a reminder of the application to date to Members outlining detail regarding previous applications on the same site. He detailed a site map, referenced the nearby properties and outlined the various reasons for the recommendation for refusal. He noted that Members had attended a site visit and that there was one objector to the application.

Speaking rights:**In Support:**

Mr Colin O Callaghan referenced the 1-year commencement condition having been placed on the application previously and noted that other similar applications had been granted commencement conditions up to a five-year period. He highlighted that site access had been created, contrary to what was reported and stated the applicant was confident that works had begun within the required time frame, although he referenced that incorrect information had been shared from DOE with regard to works beginning on site. Mr O'Callaghan stated that the applicant was amenable to amending the application and had already stated they would reduce the site size by 3 metres.

Councillor Larkin queried if the site size was reduced, would the site become compliant with some of the policies it was judged against for a refusal. Mr Pat Rooney advised that while it could slightly reduce the visual impact, a reason for refusal was regarding the prominence within the area.

Councillor Murphy referenced a conflict of information shared regarding site lines and the detail around the site entrance. Mr Pat Rooney advised that the planning conditions required more than the provision of visibility splays, it required the provision of the full vehicular access to the site itself, while Mr O'Callaghan advised that the site access had been cleared but had overgrown again.

Councillor Byrne queried the history of the application, specifically regarding what had changed in regard to the 2019 legal advice that had been issued prior to the application being withdrawn, other than the house type. Mr O'Callaghan stated the planning permission that the applicant was reliant on was from 2008, not 2019.

Councillor Byrne requested legal advice and it was agreed to go into closed session to receive advice at this stage of the meeting.

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

Agreed: On the proposal of Councillor Byrne, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussions relating to LA072020/1651/F which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed the Committee come out of closed session.

Following the legal advice, Councillor Byrne proposed accepting the officer's recommendation for this application. The proposal was then put to a recorded vote at the request of Councillor McAteer, with voting as follows:

FOR: Councillors Byrne, Campbell, Enright, Hanna, King, Larkin, McAteer, D Murphy, S Murphy, Rice and Tinnelly

AGAINST: 0

ABSENT: Councillor Finnegan

The proposal was declared carried.

AGREED: On the proposal of Councillor Byrne, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2020/1651/F supporting officer recommendation as contained in the Case Officer Report.

(2) LA07/2023/2125/O

Location:

Lands adjacent and SW of No. 3 Tullydonnell Road, Silverbridge

Proposal:

Site for Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson noted that in line with Operating Protocol, no further speaking rights were permitted on this application, and requested questions from the Committee following the recent site visit.

Councillor Larkin queried the statement within the report that there was no development on site, but noted there was a housing estate nearby. Members discussed the usage of the policies that the application was judged against, with further queries to the agent about

detailing the site as a cluster. Mr O'Callaghan noted that it had been accepted that the focal point of the area was the play park, but stated that development had expanded out across the road, to include two sets of foundations and two houses across the road. This was felt to be a natural expansion of the cluster.

Councillor Byrne requested clarity in regard to weighting given to existing foundations when applying policies. Mr Pat Rooney advised that there was no evidence of the existing foundations having commenced within the timeframe of approvals, and the decision for a refusal did focus on that.

Councillor Hanna queried the definition of a cluster as per the policy that the application had been judged against, and a further discussion centred around this.

Following further discussions that focused on the nearby crossroads, play park and location of these in relation to the application site, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/2125/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

The meeting did then recess – 10.59am

The meeting did then resume – 11.10am

P/016/2024: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/0246/F

Location:

Lands approx. 160m SE of Clanmaghery Road, Tyrella, Downpatrick

Proposal:

3 eco-pods, ancillary car park and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Ms McAlarney presented her report regarding this application via power point, utilising site location maps, and an ariel view of the application site. She outlined the objections to the application and referenced the responses from statutory consultees. She outlined the

policies that the application was judged against and noted the lack of integration of the site and the subsequent impact on the rural character of the area.

Speaking rights:

In Objection:

Mr Monty Sneddon advised he was a representative of a number of local residents and wanted to put forth their arguments that supported the officer's recommendation for refusal for this application. He referenced the Newry, Mourne and Down District report of October 2020, which noted that unless absolutely necessary, developments should focus inland rather than at the coast. He further argued that the design of the application was out of line with the local character of the area, as evidenced by stunted growth of the saplings planted three years ago by the applicant. He referenced the hedgerow that the applicant proposed to remove and replace with a dry-stone wall and bollards which were also out of character of the area. He referred to the lack of on-site catering, and the impact this would have on nearby traffic and also noted the lack of clarity regarding the location of a septic tank on site within the application.

In Objection:

Councillor Sharvin reinforced the officer and objector comments, and noted the significant impact the application would have on the visual amenity of the area, and the lack of effort by the applicant to reduce the visual impact of the site. He urged the Committee to take into account the level of objection, and the potential impact that the lack of onsite management could have on local residents.

In support:

Mr Michael Clarke spoke on behalf of the applicants, arguing that the area was not undeveloped and unspoilt as outlined in the Officer's Report and noted a range of developments nearby. He advised that the pods would not be prominent within the landscape as they were half the size of a mobile home and would have a green roof to help integrate with the landscape. He stated that the pods were disabled user friendly and noted that this was something that was lacking within the local area.

Mr Clarke stated that the access road would not have an impact on the area as it would be access controlled and confirmed that the site was not designed for large groups of attendees but was targeted towards nature enthusiasts. He reiterated that no statutory consultees had raised any objections to the application.

Councillor Campbell queried the proximity of the pods to the nearby wetlands, how the applicant proposed to minimise impact on the area and requested clarification on the size of the proposed pods. Mr Clarke responded by advising that the pods were adjacent to the wetlands, but that this was due to the undulating landscape. He advised he did not have the exact dimensions of the pod available but that they would be no more than three meters high.

Councillor Hanna made reference to the number of studies that had been commissioned by the applicant, and further requested clarification on access to the beach and the decision to locate the pods in an area that was designated as an ASSI (Area of Special Scientific Interest). Further discussion then focused on the ASSI location, and access to the beach, with further clarity being sought in relation to the right of way access to the beach from the proposed site.

Following a query from Councillor Hanna regarding a change in the proposed type and size of pod altering the refusal recommendation, Ms McAlarney confirmed that the refusal was decided based on the ability of the site to accommodate future tourism.

At this stage, Councillor Hanna proposed a site visit, and this was seconded by Councillor McAteer.

Councillor Enright queried the applicant's statement regarding their site being used to enhance an ASSI, and how bringing people and cars here would enhance this site. He further queried the impact of the lack of on-site catering on road usage.

Mr Clarke responded that they wished to raise awareness of the area, and noted the application included a buffer between the proposed pods and existing wetlands.

Following a query from Councillor McAteer regarding the length of the site, and if there was a plan for expansion for further pods, Mr Clarke responded that there had been minimal communication with the planning department, and noted the applicant was amenable to making required changes. He further noted that the length of the site was due to the layout of the land, with its natural contours and the pods were located far away from the road to allow for natural screening from the ground.

Councillor Byrne queried the definition of high-quality tourism as per the policy and in regard to 3 pods in a small location, and further queried the visibility of the site with regard to existing and proposed vegetation.

Ms McAlarney noted that the policy referenced the ability of a site to accommodate the proposals, and the planning department believed that this one could not. She further noted that the site was on an open roadside field, with no natural screening for the pods.

Mr Clarke argued that the site was parallel to the road and screened by existing vegetation.

Councillor Byrne further requested clarification on the screening of the pods, but noted there was no evidence forthcoming regarding this.

Councillor D Murphy then queried what other facilities existed within the area of Tyrella beach, such as holiday homes or caravan parks. It was noted that there were more facilities coming to the area, but currently there was one self-catering location, and one Air B&B. He asked Mr Sneddon if there was any flexibility within the local residents' group regarding the application and noted that tourism was a part of the Council's strategy.

Mr Sneddon clarified that the residents already had problems accessing and exiting their own premises due to car parking issues, and stressed the importance of visitor consideration for locals.

Mr Clarke advised that Tourism NI was supportive of this application.

Following the discussions, the proposal by Councillor Hanna, seconded by Councillor McAteer for a site visit was put to a vote by a show of hands and voting was as follows.

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to defer planning application LA07/2022/0246/F to allow for a site visit.

(3) LA07/2022/1712/O

Location:

Lands between 51 and 53 Dundrinne Road, Castlewellan

Proposal:

2no. infill dwellings and garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney presented the officer's report, including images of a site layout and the proposed access route. She referenced the 7 objections and noted that no objections were raised from statutory consultees. She stated there was a condition that DFI had placed on the application, in regard to the widening of the access lane to the property. She outlined the other aspects of the application, and noted they were acceptable to the Planning Department, but that the land ownership of the laneway was a reason for the recommendation for refusal.

Speaking rights:

In Support:

Mr Declan Rooney utilised a power point presentation to outline the site relating to the application. He noted that the land ownership regarding the laneway was a civil matter, and Council could issue an approval with a condition that this laneway be resolved prior to authorising any works to commence. He stated that DFI Roads had recommended using an alternate access to the site, which was already compliant with legislation, but was advised by the Planning Department that this would require a whole new application, rather than amendment to the existing one.

Councillor Rice requested clarification from Mr Rooney regarding a preference for access to the site. A discussion then ensued regarding amendments to applications, and when these were possible. Ms McAlarney advised that the red line of an application could be amended for necessary visibility splays, however, to amend the position of an access point on a new road would require a new application.

Following a query from Councillor Hanna regarding who received notifications regarding this application and why other locals did not, Ms McAlarney advised Members that the Planning Department followed legislation in regard to advertising and notifying relevant parties about this application, and if the change in access was granted then the Planning Department would have to carry out neighbour notifications to the relevant parties affected by the amendment.

A further discussion then centred around whether to impose a negative condition to this application in relation to the lane widening, or to accept an amendment and revert back to the notification stage. Councillor Byrne stated he believed the Planning Department should accept the amendment and continue with the relevant notifications, rather than insist on a new application, given the difficulty with the backlog of applications that currently exists within the Planning Department.

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

FOR: 11
 AGAINST: 0
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna it was agreed to defer planning application LA07/2022/1712/O to allow the applicant to amend the access route as outlined on the application.

FOR DECISION

P/017/2024 **PUBLIC CONSULTATION ON THE REVIEW OF THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015**

Read: Correspondence dated 11 December 2023 from DFI regarding a public consultation on proposals to review The Development Management Regulations. **(Copy circulated)**

AGREED: On the proposal of Councillor Byrne, seconded by Councillor Campbell, it was agreed to note the correspondence.

FOR NOTING

P/018/2024 **LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST**

Read: Communication from the Department of Communities regarding the listing of several special architectural building and historical sites. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to note the list as approved.

P/019/2024 **HISTORIC ACTION SHEET**

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

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

There being no further business the meeting ended at 1:00pm

Signed: _____ Chairperson

Signed: _____ Chief Executive

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 6 March 2024

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

- **LA07/2022/0546/F** - Public footpath to the rear of ASDA, 51 Newcastle Street, Killeel - Installation of a 20m pole to host integrated antenna and 2no. 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets
APPROVAL
- **LA07/2022/1838/F** - Lands at Church Lane, Warrenpoint and to the rear of 9 & 11 Mary Street Warrenpoint, BT34 3NT - Erection of 2 apartments
APPROVAL
- **LA07/2021/0904/F** - Lands to the rear of 134-136 High Street Newry, BT34 1HH - Erection of 1 No. 2 storey block, comprising 4 No. apartments.
APPROVAL
- **LA07/2019/1162** - Lands adjacent to and south west of 7 Saintfield Road and north of 41 Moss Lane Ballynahinch - Proposed erection of 5 detached dwellings and associated parking, 3 garages, landscaping, road widening and all other associated site and access works
APPROVAL
- **LA07/2022/1358/O** - Land adjacent to & east of 7 Spa Grange The Spa Ballynahinch - Detached single dwelling
APPROVAL

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Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2022/0246/F	Target Date:
Proposal: 3 eco-pods, amenity room, ancillary car park, associated site works	Location: Lands approx. 160m SE of 35 Clanmaghery Road Tyrella Downpatrick
Applicant Name and Address: Edward and Kathryn Hanna 21A Aughnalopy Road Kilkeel BT34 4HQ	Agent Name and Address: 20 Castle Street Newry BT34 2BY
Date of last Neighbour Notification:	24 February 2022
Date of Neighbour Notification Expiry:	10 March 2022
Date of Press Advertisement:	21 February 2022
Date of Press Advertisement Expiry:	02 March 2022
ES Requested: No	
Consultations:	
<p>Shared Environmental Services was consulted and initially responded requesting further information to enable a Habitats Regulations Assessment to be completed, the information requested is as per NIEA NED requests. Following submission of this information and the outcome of NIEA considerations SES concluded that on the basis of information provided the proposal will have no significant effect on features of conservation objectives of Murlough SAC or any other European site.</p> <p>Rivers Agency was also consulted and responded with no objections to the proposal and responded with no objections to the proposal noting that:</p> <p>FLD3 - Development and Surface Water. The drawing number P02, entitled " Plans, Elevations and Site Layout Plans" dated 1/22 indicates the new hardstanding (gravel paths and grasscrete) is permeable and does not exceed the thresholds to require a Drainage Assessment. It is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. The applicant is proposing to use soil infiltration as a means to drain the storm water run off from the site surface to the existing ground. The granting of permission to discharge to underground strata (and the effectiveness of such), as proposed in the DA, is outside the remit and area of expertise of DfI Rivers. Consequently DfI Rivers cannot comment on the</p>	

viability, or otherwise, of this method of storm water discharge. Revised PPS15 (Annex D18) considers only discharge to a watercourse or to NI Water infrastructure.

On this basis DFI Rivers have stated they could not sustain an objection under sub-policy FLD 3.

NIEA was consulted in relation to the application and Natural Environment Division initially responded requesting additional information which included:

- a Habitat Suitability Index (HSI) and if the study deems the drains/watercourse suitable for Smooth Newt a survey to NIEA specifications should be carried out.
- Further information on the suitability of the site for common lizard.
- Submission of a lighting plan

Several consultations were carried out with NIEA and once all required information was submitted NIEA responded with no objections subject to conditions.

NIEA Marine and Fisheries provided standing advice in relation to the application.

Environmental Health was consulted in relation to the proposal and responded with no objections subject to conditions.

DFI Roads was consulted in relation to the application and initially responded requesting additional information, once submitted DFI Roads responded with no objections subject to conditions.

Representations:

To date 47 objections have been received in relation to the application, the application has generated a great deal of concern with local residents who have objected consistently throughout the process and the objections have covered a range of issues. (NB objection count reading 48 due to repeat objection to address corrections)


Objectors made the following points:

- The objectors note the unspoilt beauty of the area and believe that the works would fundamentally change the character of the area as a result of the works and will destroy the rural peaceful and unspoilt nature of the site.
- The objectors also believe that the works will be of a much greater scale than what is proposed as it is most likely to expand to provide services such as a shop etc.
- There is potential for impact on habitats (shingle beds at Rathmullan and Ringsallin ends of the beach face impact as do protected species and nesting birds.
- Objectors believe the plans are not clear and are ambiguous and there has been no clarifications following the previous plan.

- Site will not be screened nor have the ability to be screened from public view. It is noted by the agent there is mature planting on the site however objectors comment that the planting is not mature.
- The proposal will encourage increased unregulated access to the beach and will encourage trespassing as there is no public path to the shore which will result in people travelling over lands not owned by the applicant as it is the most direct route to the shore.
- Objectors note there has been flooding several times around the site and given that the lands are wetlands there is concern that in diverting water from the site surrounding lands not owned by the applicant will be impacted. They also have concerns the site itself will flood given the rising water.
- Objectors do not believe there has been sufficient consideration given to the protection of existing wetlands and associated habitat and species (some protected eg smooth newt)
- Objectors believe an Environment Impact Assessment should be carried out and that the submitted bio diversity checklist is inaccurate and only provides a one day snap shot of what is happening and does not take into account breeding cycles.
- Objectors are concerned about privacy and loss of privacy due to the use itself and also the introduction of security cameras.
- Objections are raised that the site can only be accessed via car and there are no amenities adjacent therefore visitors will have to travel by car for food and entertainment etc.
- Despite it being noted on the plans there will be a direct connection to the beach it does not seem possible as there has been no indication as to how this can be achieved.
- A letter of support from the head of tourism NM and D was included in the submitted pack however the objectors point out it has not been re dated and was part of the submission of the previous application submitted.
- Local litter pickers believe bringing this land use to the area would inevitably result in more rubbish being left along the beaches or making its way to the shingle beds.

Letters of Support	0
Letters of Objection	47
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	

Summary of Issues: there are no outstanding issues as a result of the consultation process in relation to this application, all consultees are content. Issues remain as detailed above in relation to objections and concerns.

Site Visit Report
<p data-bbox="181 327 469 360">Site Location Plan:</p> 
<p data-bbox="181 1068 719 1102">Characteristics of the Site and Area</p> <p data-bbox="181 1140 1394 1570">The site in question is lands located at Clanmaghery Road, Tyrella. The lands are low lying agricultural lands located directly adjacent to an area of wetland, easily identifiable by the visible vegetation associated with wetlands. The site itself is in agricultural use which has more recently been cut and managed more but previously would have been poorer quality less well managed lands. There is an old post and wire fence separating the road from the site that is a post and wire fence and grass bank with some bushes growing along the boundary however these are in poor condition and are windswept. There is no other visible mature planting across the site but noted there does appear to have been planting put in place within the site but this cannot be considered to be mature. No other boundaries of the site are defined except for the boundary along the wetland which is only identifiable by the change from grass to scrub.</p> <p data-bbox="181 1608 1394 1800">The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty and is in close proximity to Tyrella Coastal Sand Dunes, ASSIs being Tyrella and Minerstown and Murlough. The site is also identified as being within proximity to areas liable to surface water flooding.</p> <p data-bbox="181 1805 1394 1993">The area is a rural area with the road network running along the coastline resulting in scenic but rugged views and landscape. There is limited development within the area mainly being single dwellings, A saddlery and also further along the route caravan site. Limited planting and harsh conditions for planting to succeed results in poor boundaries and open views.</p>

<p>Description of Proposal</p> <p>The application seeks 3 eco-pods, amenity room, ancillary car park, associated site works</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>PLANNING HISTORY</u></p> <p>LA07/2021/1242/F - Lands approx. 160m SE of 35 Clanmaghera Road and approx. 300m NW of Tyrella Beach, Tyrella - Erection of 3 eco-pods, amenity room, ancillary car park, associated site works and landscaping – Invalid application.</p> <p><u>CONSIDERATION AND ASSESSMENT</u></p> <p>The proposal has been assessed against the following policies and plans:</p> <ul style="list-style-type: none"> • The Ards and Down Area Plan 2015 • Regional Development Strategy (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • PPS 2 Natural Heritage. • Planning Policy Statement 3: Access Movement and Parking • PPS 16 Tourism • Planning Policy Statement 21: Sustainable Development in the Countryside <ul style="list-style-type: none"> - Policy CTY 1 Development in the Countryside <p>Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).</p> <p>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.</p> <p>PPS 21 Sustainable Development in the Countryside CTY 1 Development in the Countryside outlines a range of development proposals that may be acceptable within the rural area. Outlined within non-residential development is tourism development in accordance with TOU Policies (superseded by PPS 16 Tourism)</p> <p>The application is considered against PPS 16, TSM 6 New and Extended Holiday Parks in the Countryside which states that planning permission will be granted for a new</p>

holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context. Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

- (a) **The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character.**

The site is located on agricultural land that is accessed directly off Clanmaghery Road and is visible when travelling along Clanmaghery Road. The site is a linear type layout of pods, the arrangement is a strange layout of three pods and an amenity block with an access road that has a turning head at the top of it. The site is visible from the Clanmaghery Road and does not benefit from any mature planting. It is noted that there has been significant planting carried out across the site along the area of wetland and to the west of the entrance and further planting carried out in the eastern corner of the field (outside the red line of the application site) but this planting is in its infancy and will not provide any beneficial screening for a considerable period of time. There have been some more mature trees planted adjacent to the wetlands, around 30 in total but these make little contribution to the screening of the site and again are new, quite young plants.



The above images show the infant planting on the site.

It is considered that the site does not have the capacity to absorb the development without impacting on visual amenity and rural character. This stretch of road is open and has views out to the coast, the planting is sparse and generally of poor quality. The front boundary can offer screening to a degree at present when directly in front of the site but the boundary is required in part to provide sight splays with the front boundary to be replanted. The site will be highly visible when travelling in either direction of the

Clanmaghera Road and it will not read with any associated tourism feature. The works would be considered to have a negative impact visually on the landscape with no mature landscaping or backdrop to help integrate the works and are located along an exposed coastline in a remote area. To conclude the landscape cannot absorb this type of development without detriment to this highly scenic and rural landscape.

- (b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area.**

The existing natural features of the site are not sufficient or substantial enough to allow the works to integrate into the landscape. There is no mature landscaping to make use of nor are there any hills or natural features to help provide a backdrop or improve integration on the site. The built development in close proximity to the site includes two single dwellings, (50 and 56 Clanmaghera Road) located roadside, one at either side of the site and this built development is not sufficient enough to provide any integration of the proposed works. The new planting is so young and insignificant it cannot be relied upon to provide softening in time especially given the exposed nature of the site and the low level of ability for planting to survive along this exposed coastal area.

The works cannot be effectively integrated into the landscape primarily through the utilisation of existing natural and built features therefore this aspect of policy cannot be satisfied.

- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development.**

The site plan is ambiguous and while it does identify open space there is not a clearly defined area identified as decent communal recreational area and space, the open space is mixed in with planted areas and the open space has been identified on a parcel of land that has been planted out with infant plants and which is being promoted as potential to screen the site. The communal open space is also identified directly adjacent to the pods and this has the potential to impact on the amenity of the pods. The shape of the chosen site dictates the layout and it is difficult to understand the rationale behind the overall layout of the site, there appears to be the option to create a more compact form of development for what is essentially 3 eco pods, however what has been proposed is a linear form of development cut out of a larger field. Assessment is based on what is before the Authority and while the percentage of site area is met the provision is not adequate in terms of being usable and as stated is partially planted at present.

- (d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping.**

The layout of the pods is as stated above in a linear pattern dictated by the redline of the application chosen by the applicant. The proposal is for 3 eco pods and an amenity building. It would have been expected that such a scale of development could have been accommodated on site in a more compact and informal layout as opposed to that proposed.

- (e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing.**

Glamping pods are a relatively new concept that has become very popular across the district in the last number of years. The pods originally would have been extremely simple structures, small in size and offering a slight step up from camping. The pods themselves have begun to evolve into larger units offering more cooking facilities and greater floorspace, moving away from basic camping and that is what has been presented here. As demonstrated below the units proposed are more onto caravan style units and again without the benefit of any screening the three units will have a detrimental impact on the character and appearance of the area, located out in open countryside along a relatively unspoilt coastal path. The design and scale of the units are considered too great for this open area of countryside and cannot be integrated, the access road also contributes to this visual disturbance.



In terms of planting, there is no separation planting proposed but wetland planting is located directly adjacent to the units, it is hard to understand why the applicant has pushed the development so close to the wet area of the field when higher lands are

available and there is no screening available at present or benefit to be had in terms of integration by moving it so close to the wetland planting.

- (f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout.**

None of the consultative bodies have raised strenuous objections to the proposal. In terms of features the feature closest to the site is the wetlands directly adjacent to the site and it is questionable as to why the units have been placed so close to these wetlands however consultation has been carried out with NIEA, SES and Rivers Agency and all are content subject to conditions therefore a refusal in terms of impacts on environmental assets could not be sustained. Protected species that were potentially within the site have been identified and consideration given to the likelihood of impact and it is not considered that any protected species will be impacted upon as a result of the works.

- (g) Mains water supply and sewerage services must be utilised where available and practicable.**

The agent has indicated on the P1 form that mains connections and consultees have raised no objections to this. Separate consents will be required if planning permission were to be granted.

CONSIDERATION OF PPS 21 CTY 13 AND CTY 14

Policy CTY 13 – Integration and Design of Buildings in the Countryside Planning is also taken into consideration and 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**

It has already been concluded that the works will appear prominent within the landscape as there is no existing mature planting or screening to allow the works to integrate, there are also no natural landscape features to help with integration and while there are dwellings either side of the site being 50 Clanmaghery Road and 56 Clanmaghery Road, these buildings do not screen the site from the public view and the two dwellings are considered a low level of development so it is not the case that there is such a level of development that the proposal can be absorbed into it and be almost inconspicuous

rather the development will be fully visible as an un associated development in the rural area.

- (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.**



This most recent image taken on site shows that there are no long-established boundaries bounding or within the site that can be taken advantage of, there is a road boundary of a field hedge however this will be required to be removed in part to provide sight splays reducing its ability to contribute to integration. The site lacks natural boundaries, is exposed and would rely almost completely on new planting, the applicant has recognised this and has carried out a good degree of planting but it is insufficient to screen the site at present and given the nature of the location in close proximity to the sea winds and conditions it is difficult to see the planting flourishing at this location. Additional planting would be required in any case if permission were granted.

- d) ancillary works do not integrate with their surroundings.**

There is an ancillary building associated with this application set back from the cabins and is finished in the same cladding as the cabins, given its location and smaller stature it is not considered it will be any more detrimental than the remainder of the scheme.

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

As previously stated the units are larger in size than traditional glamping pods and appear as mobile homes rather than glamping pods, the arrangement within the site impacts on a considerable amount of land for the accommodation achieved and it seems to be unnecessarily close to the wetlands. The overall size and positioning of the units are not considered to be acceptable and will impact on the adjacent uses within the site and the locality.

Consideration is also given to the impact on residential dwellings, it is noted that dwellings that have enjoyed open countryside and agricultural fields adjacent feel an impact of lands adjacent being developed in any nature but given the location of the pods further into the site and nature of the pod accommodation and length of stays etc it is not considered there will be any demonstrable harm as a result of the units.

Issues such as anti-social behaviour, trespassing and littering are outside the remit of planning and are the responsibility of the operator of the site to monitor.

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

Given the lack of trees, hills, buildings and slopes to provide a back drop the site there is nothing to allow the works to blend into therefore this aspect of policy has not been met.

(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 aspect of policy is not applicable.

Policy CTY 14 – Rural Character is also considered and it 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.

For reasons outlined previously it is considered that the works will be unduly prominent in the landscape, this aspect of policy has not been met and the issues cannot be overcome.

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

Given the level of development and the type of development it is not considered that the works would result in a suburban style of development developing within the area. There is not a great deal of development in existence at present on the site and it is not considered that works would change the character to be more suburban in style.

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

This type of development traditionally within the surrounding area has either been located closer to the shore with clear access to the shore or located so as to be screened from the shore and are on a much greater scale that what has been presented here. It is not considered that the works do respect the traditional pattern of development within the area.

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

The site lies between no's 50 and 56 Clanmaghery Road, the site fronts onto the road for only a portion of the frontage available between the two buildings however the works sweep around the site resulting in a greater length of development visible from the road and given there are 4 buildings proposed this is considered to be creating a ribbon of development along the Clanmaghery Road.

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

It is considered that the large access lane with turning head will have a negative impact on the rural character, the access appears much greater and elaborate than for what is required to serve a rather modest scheme of three units. Given that screening is difficult at this location and the site is going to be visible a gravel path, double width with grasscrete down the centre will impact negatively visually and is not necessary.

PPS 2 NATURAL HERITAGE

NH1 European and Ramsar Sites – International is considered, Policy NH1 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 (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance).**
- **a listed or proposed Ramsar Site.**

Given the proximity of the site to international designations SES were consulted in relation to the application. The proposal is hydrologically connect to Murlough SAC. SES responded to consultation, taking into consideration the information submitted to NIEA NED and also their consultation response and has responded with no objections to the application on the basis that given the nature, scale, timing and duration and location of the project it is concluded that it would not be likely to have a significant effect on any European site and on this basis it is considered that the application will not offend NH 1 of PPS 2.

NH2 Species protected by law is also given consideration and it states that planning permission will only be granted a development proposal that is not likely to harm a European protected species.

Objectors raised concerns in relation to a protected species being smooth newt being present within the wetland area on the site. A PEA was submitted and NED consulted, the PEA states that the wetland area had a moderate suitability for breeding Newts and a buffer zone has been proposed around the wetland. NIEA are content that provided the recommended conditions are adhered to the works will not result in the loss of breeding newt habitat.

The potential for impact on wild birds was also considered and it is noted that there is potential habitat for wild birds and that any works should be carried out outside of the bird breeding seasons.

Consideration was given to potential for impacts on various protected species to include nesting birds, lizards, smooth newts and bats and following submission of a Construction Environmental Management Plan and Construction Method Statement NED considered the proposal satisfactory and considers the works will not have the potential to impact on species protected by law.

The proposal meets the requirements of NH2.

NH3 Sites of Nature Conservation Importance – National is also considered, the policy states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- an Area of Special Scientific Interest;
- a Nature Reserve;
- a National Nature Reserve; or
- a Marine Nature Reserve.

The site is in close proximity to Tyrella and Minerstown ASSI and Murlough ASSI, NIEA through consultation and as a result of the submission of additional information including CeMP and CMS NIEA are content that sites of nature conservation importance (national) will not be impacted as a result of the works, issues raised by objectors included

additional litter and this was referenced within the response but no objections raised, standing advice given.

Given the scale and nature of the development and location of the development it is not considered there would be any detrimental impacts of this nature and the requirements of NH 3 have been met.

NH5 is also taken into consideration NH5 habitats, species or features or national heritage importance is considered and it 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 known:

- **priority habitats.**

Priority habitats have been considered and it is noted that the wetland area has potential for priority species being newts and the lands also has potential for breeding birds however mitigation measures have been conditioned by NIEA. NIEA and SES have no objections in relation to impact on priority habitats.

- **priority species.**

Potential for impact on priority species has been identified however mitigation measures can be put in place to ensure that there is no impact on priority species and this would be a condition of the approval and it is not considered that there would be any unacceptable adverse impact on 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**

None of the above have been identified within the site in question and it is not considered that any in surrounding lands would be impacted upon as a result of the works given the scale and nature of the development.

- **wetlands (includes river corridors).**

Wetlands exist directly adjacent to the site and there is the potential for hydrological links. Again NED and SES are content that there will not be any unnecessary harm caused to the wetlands and there will not be any adverse impacts or damage on the wetlands provided measures proposed to protect the wetlands is carried out, this would be a condition of any approval granted.

- **other natural heritage features worthy of protection.**

No further features were identified that required to be afforded any further protection.

NH6

The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty and therefore is considered against NH6 Areas of Outstanding Beauty which states that planning for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

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

It cannot be considered that the proposal would be sympathetic to the special character of the area. It is noted there are existing development caravan parks along this stretch of coastline but they are generally set closer to the coastline and away from the public road and other residential development. It is considered that to develop this piece of land for glamping pods would impact on this relatively unspoilt area. The rural and remote setting would be impacted by the introduction of a new holiday park of this nature at this location. It has not been indicated how the shore can be accessed via the site nor is it directly adjacent to the shore and can make use of no other existing facilities, the works are not associated with any other existing attraction and would appear alien in the unspoilt and rugged landscape that is part of the main features of attraction in this 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.**

The main feature at this location is the unspoilt remote nature of the lands. There are no man made features in close enough proximity to the site to be impacted upon. There are no features to note that will be impacted upon as a result of the works other than the general character of the area addressed in point A of this policy consideration.

- c) the proposal respects:**
- **local architectural styles and patterns.**
 - **traditional boundary details, by retaining features such as hedges, walls, trees and gates.**
 - **local materials, design and colour.**

The units themselves by the location, size and siting create an issue visually however it is noted that they are akin to mobile homes that are found in parks along the coastline

therefore it would be difficult to argue that the design and use of materials did not respect, to some degree, architectural styles within the area and found locally.

The planting proposed and of what has been carried out to date appears to be native however there is an element of manicured and manipulation to the planting carried out rather than the site making use of and integrating with existing planting on the site. It is difficult to believe that the planting will flourish on the site given the exposed nature of the site and the difficulty in getting plants to grow within the area given the natural elements. It is not considered that the works respect the existing natural features.

CONSIDERATION OF PPS 3 ACCESS, MOVEMENT AND PARKING

The application is considered against AMP 2 Access to Public Roads which 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 was consulted in relation to the application and initially responded requesting amendments and once received DFI Roads were reconsulted and responded with no objections to the proposal subject to conditions therefore on this basis it is considered that the access arrangements are acceptable and do not offend this section of policy.

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

The Clanmaghera Road is not a protected route and given the scale and nature of the development it is not considered that there would be any negative impacts on more remote routes that are protected.

Neighbour Notification Checked	Yes
---------------------------------------	-----

Summary of Recommendation:

For the reasoning given above it is not considered that this application meets with policy requirements and a recommendation of refusal is made.

Reasons for Refusal:

The proposal is contrary to SPPS and to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and Policy TSM 6 of Planning Policy Statement 16 Tourism in that the site is not located in an area that can absorb the development without adverse impact on visual amenity and rural character and the proposed development does not create a high quality and sustainable form of tourism. The location, layout and landscaping are not based on an overall design concept that respects the surrounding landscape and rural character and the site relies on new planting for integration.

The proposal is contrary to SPPS and Policy CTY 13 and CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside and Policy NH 6 of PPS 2 Natural Heritage in that the proposed development is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and is considered to be a prominent feature in the landscape. The new buildings would rely primarily on the use of new landscaping for integration into the landscape and result in a detrimental impact on rural character in this Area of Outstanding Natural Beauty.

The proposal is contrary to SPPS and CTY 14 of Planning Policy Statement 21 Sustainable development in the Countryside in that the proposal, if permitted, would result in the creation of a ribbon of development along the Clanmaghera Road.

Case Officer Signature: Fionnuala Murray

Date: 24 November 2023

Appointed Officer: A.McAlarney

Date: 24 November 2023



Newry, Mourne and Down District Council
Local Planning Office
Downpatrick Office
Downshire Civic Centre
Ardglass Road
BT30 6GQ

13th February 2023

Dear Mr Maguire,

Planning Ref: LA07/2022/0246/F

Location: Lands approx. 160m SE of 35 Clanmaghera Road, Tyrella, Downpatrick

Proposal: 3 eco-pods, amenity room, ancillary car park, associated site works

We are writing to you in response to your email in relation to the above referenced planning application in which you informed us that a member of public had challenged the 'Public Right of Way' located to the east of the site (as annotated on site layout plan – P02A).

We sought evidence from the council and the applicant that this was a public right of way. We had a telephone conversation with Heather Wilson of whom is the Land Management Officer within the council and she later confirmed via email that the lane highlighted on the site plan is not asserted as a public right of way. She went to say "That however does not mean that a public right of way doesn't exist over the path in question-simply that the status of the path has not been investigated under the Access to the Countryside (NI) Order 1983".

The applicant also provided a folio map to illustrate that she has a right of way over the lane and shares ownership of the lane with the neighbouring residents.

As it has been noted that the lane in question is not a recorded public right of way, the applicant does not have substantial evidence to show that this is a public right of way and as such this note has been removed from the site layout plan (P02A). Please find an amended plan (P02B) to accompany this letter.

We hope this is satisfactory in addressing the member of the public's concerns and if any further clarification is needed, do not hesitate to contact this office.

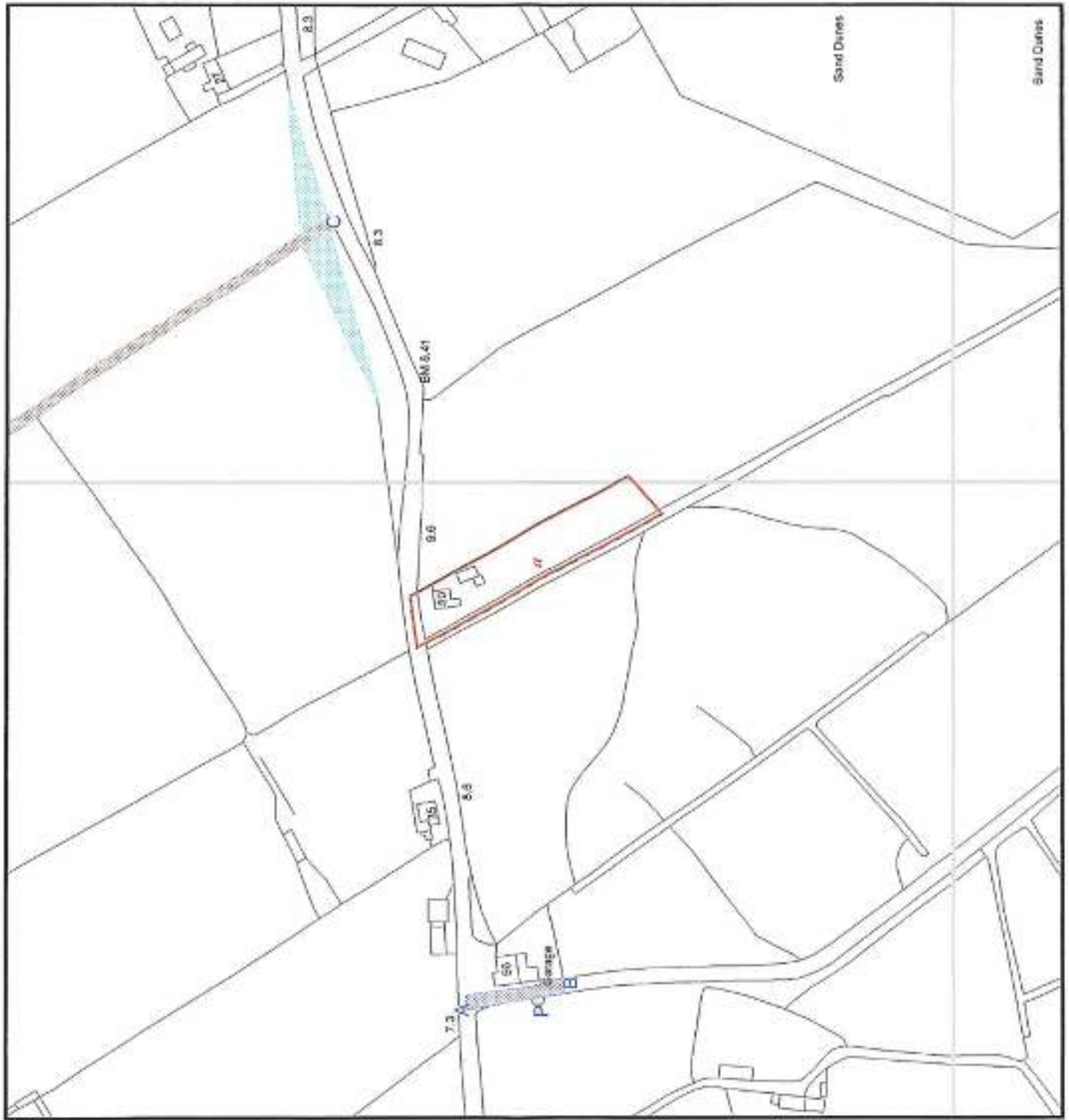
Kind Regards
Michael Clarke
Town Planner
Bsc Hons Msci



Date: 03 Aug 2004
 County: Down
 Folio: 41702
 Scale: 1:2500
 Our Ref: 2004/265074
 Your Ref: dn g250-1
 Map Refs: 24114NE,24114SE,24115NW,
 24115SW
 Sheet 1 of 1

Key to folio labels:

41702



This map is for location purposes only (Rule 14(1) of the Land Registration Rule Northern Ireland 1994 as amended by paragraph 79 of the Schedule to the Amendment Rules 2004). Only boundaries which are shown on this map are shown on the Land Register and Northern Ireland 1994. The boundaries shown on this map are not necessarily the boundaries shown on the original instrument or document on which the map is based. Any boundary shown on this map is shown on the map as a result of the information available to the Land Register at the time of the map. The boundaries shown on this map are shown on the map as a result of the information available to the Land Register at the time of the map. The boundaries shown on this map are shown on the map as a result of the information available to the Land Register at the time of the map. The boundaries shown on this map are shown on the map as a result of the information available to the Land Register at the time of the map.



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Committee Application

Development Management Officer Report	
Case Officer: Roisin Bird	
Application ID: LA07/2022/0546/F	Target Date: 1 July 2023
Proposal: Installation of a 20m street pole to host integrated Antenna and 2 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets	Location: Public footpath to the rear of ASDA 51 Newcastle Street Kilkeel
Applicant Name and Address: EE & Hutchison 3G C/O MBNL Thames Tower Reading RG1 1LX	Agent Name and Address: 401 Faraday Street Brichwood Park Warrington WA3 6GA
Date of last Neighbour Notification:	18 May 2023
Date of Press Advertisement:	20 April 2022
ES Requested: No	
<p>Consultations: HED</p> <ul style="list-style-type: none"> • Consultation response 5 September 2022 requested photomontages to assess impact on Crawtree Stone 160m SE of the site. <i>Further info. was received and re-consulted accordingly.</i> • Consultation response 29 August 2023 requested photomontage from the monument itself to assess impact on Crawtree Stone. <i>Further info. was received and re-consulted accordingly.</i> • Consultation response 29 November 2023 Advised scheme is acceptable following receipt of requested photomontages. <p>DFI Roads – No objection</p> <p>Environmental Health - have considered all third-party objections, and have reviewed the certificate of conformity provided by the applicant in relation to the International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines and have no objections to this application.</p>	
<p>Representations: One neighbour notification was issued on 3 May 2023. Note: Having account the extent of the application site outlined in red, and statutory requirements, while the proximity to various occupied buildings was noted, neighbour notification (NN) was only required to be undertaken with one property (No.51- Asda). The proximity to Gordons Chemist building in particular was noted, however NN was not required with this property. It is noted however this property is aware of the proposal having made comment.</p>	

Letters of Support	0.00
Letters of Objection	29
Petitions	4 pages with 64 signatures in total
Signatures	0.00
Number of Petitions of Objection and signatures	None
<p>Summary of Issues: A number of representations have been submitted on this application as detailed above. The issues/ concerns are summarised below:</p> <ul style="list-style-type: none"> Proposed works are unsightly and will have negative impact on the street scene and surrounding area. <i>This issue is dealt with later in the report under visual impact.</i> Tall structure is out of character with street scene, will create visual clutter and not blend with surroundings. <i>This issue is dealt with later in the report under visual impact.</i> Proposal will be detrimental and impact negatively on the heritage trail and nearby Monument – Cawtree Stone <i>This issue is dealt with later in the report under PPS 6.</i> Proposal will detract from the AONB. <i>This issue is dealt with later in the report under PPS 2.</i> Proposal could have potential health risks – cancer from the radiation. <i>This is not a consideration under current planning policy, no definitive evidence has been provided to demonstrate this alleged claim. Consultation was undertaken with Environmental Health.</i> Proposed works could negatively impact upon property prices in the area. <i>This is not a consideration under current planning policy/legislation.</i> Proposed works will narrow the pavement and impact on people with prams and those in wheelchairs Proposed works could create blind spots for children crossing road. Proposed works could obstruct sightlines emerging from Asda car park. <i>These issues are dealt with later in the report under PPS 3.</i> Other masts are available in the area – alternatives not explored and also on top of buildings not explored Proposal will impact negatively to attract tourists to the area. <i>No definitive evidence has been provided to demonstrate this alleged claim.</i> 	

- Proposal may have impact on birds, insects and wildlife.
This issue is dealt with later in the report under PPS 2 and HRA.
- Proposal may impact on trees especially TPO trees located nearby.
The proposed works will not result in the loss of trees or vegetation.
- Proposal is too close to residential properties.
This issue is dealt with later in the report under PPS 10.

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area:

The application site is located on the footpath to the eastern side of Moor Road, Killeel. It is sited west of 51 Newcastle Street known as Adsa supermarket and beyond the rear of Gordons Chemist.

The application site comprises a small rectangular area of land at the edge of the existing pavement adjacent to the car park at the rear of 57 Newcastle Street known as Gordons Chemist. The topography of the site is flat. The surrounding context consists of commercial buildings typical of a town centre environment with car parks to serve these to the east and west and further east are single dwellings which front Newcastle Street.



Description of Proposal:

Installation of a 20m street pole to host integrated Antenna and 2 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets

Planning Assessment of Policy and Other Material Considerations:

This application is considered against

- Banbridge Newry and Mourne Area Plan 2015,
- SPPS (NI)
- PPS 10 Telecommunications
- PPS 3 Access, Movement and Parking
- PPS 2 Natural Heritage
- Development Control Advice Note 14 Siting and Design of Radio Telecommunications Equipment.

Planning History:

No specific site history. All history in this area relates to Asda supermarket and other retail premises adjacent.

Consideration and Assessment:

Proposal:

This application seeks permission for the following (as shown on the elevation drawing below)

- 1 20m street pole with integrated antenna
- 4 cabinets, one of which is located at the base of the street pole.

PPS 10 Telecommunications

Policy TEL 1 of PPS 10 permits proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to or harm to environmentally sensitive features or locations. Developers of telecommunications infrastructure are required, under Policy TEL 1, to demonstrate that the proposed development have regard to technical and operational constraints and that the proposed development has been sited and designed to minimise visual and environmental impact.

Criteria A - the sharing of an existing mast or other structure has been investigated and is not feasible.

Criteria B a new mast represents a better environmental solution than other options.

The proposed 20m Streetpole will host integrated Antenna and 2no. 600mm Dishes and there will be 4no. equipment cabinets installed on the footpath. The highest part of the pole and antenna is 20m above ground level. The proposal is a new additional network site to resolve existing poor mobile phone connectivity in the town centre of Kilkeel. The existing coverage hole cannot be resolved by upgrading other network sites in the area as the nearest adjacent site is over 2km away to the east edge of the town. Without this new site there can be no 5G phone coverage for operators in the town centre. Justification has been provided to meet Criteria A.

Details of the consideration given to measures to mitigate the visual and environmental impact of the proposal;

The 20m pole and associated equipment would be inserted on the pavement outside a car park to the rear of a large retail supermarket and other retail premises. The area is already an established town area, there are utility cabinets and telecoms paraphernalia already in the surrounding vicinity close to the application site. The colour of the pole – grey will aid blending with the sky from a distance as it is light in colour. The proposed Streetpole will be partially screened by the adjacent buildings 11.66m (ridge height) Asda Supermarket and other adjacent properties and that will lessen its prominence within the town. Furthermore, the positioning of the equipment adjacent to the edge of the pavement with the backdrop of the car park and retail premises in the foreground it is not considered to be a prominent location given the surrounding retail buildings and street furniture development already in situ in this established urban area. (See the photomontages below.) In addition, the antenna on the new monopole will be mounted back-to-back tight against the pole without any headframe to minimize the profile and silhouette. A height of 20m is required both to meet the required coverage level in the area but also for radio wave safety (ICNIRP) on the nearby rooftop of Asda.

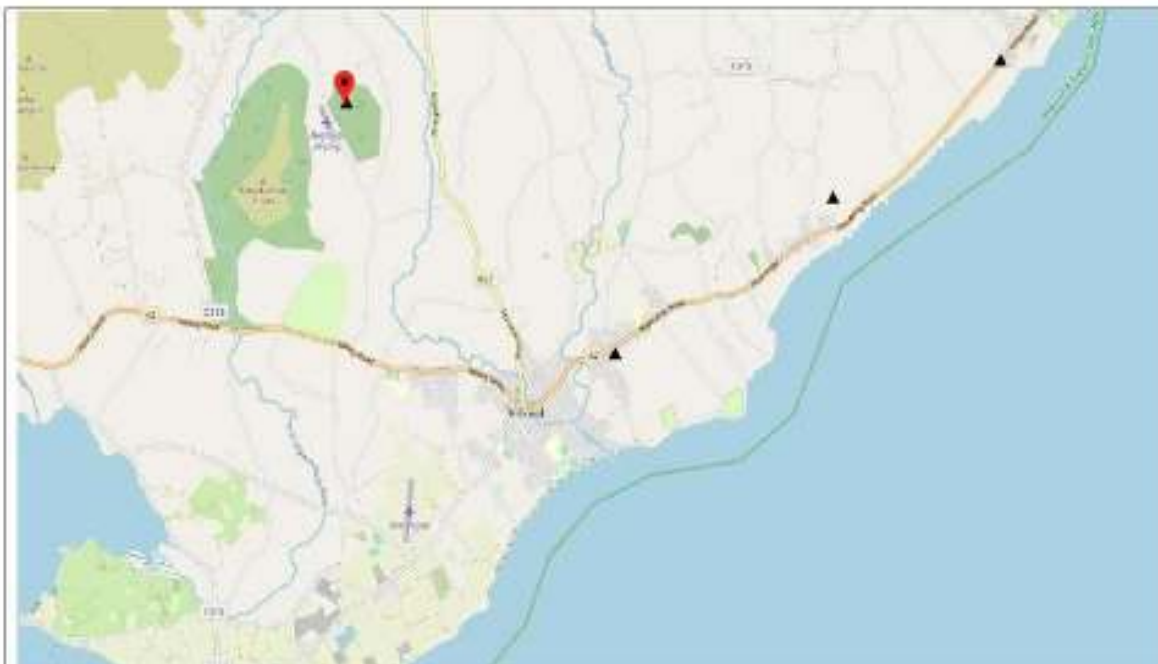


The nearest residential dwellings are to the east on Newcastle Street 31m from the site. In the context of this urban environment and the nature of the large scale retail building to the west (Asda), the amenity of residents will not be exacerbated to a degree any greater than the existing retail development and street furniture including bollards, street lights and trolley dock. The proposed antenna and associated equipment are considered to create no greater impact visually than the commercial developments already in situ. As outlined above, consultation has been undertaken with Environmental Health who offer no objections to the proposals; Environmental Health have considered all third party comments/objections in relation to the proposal.

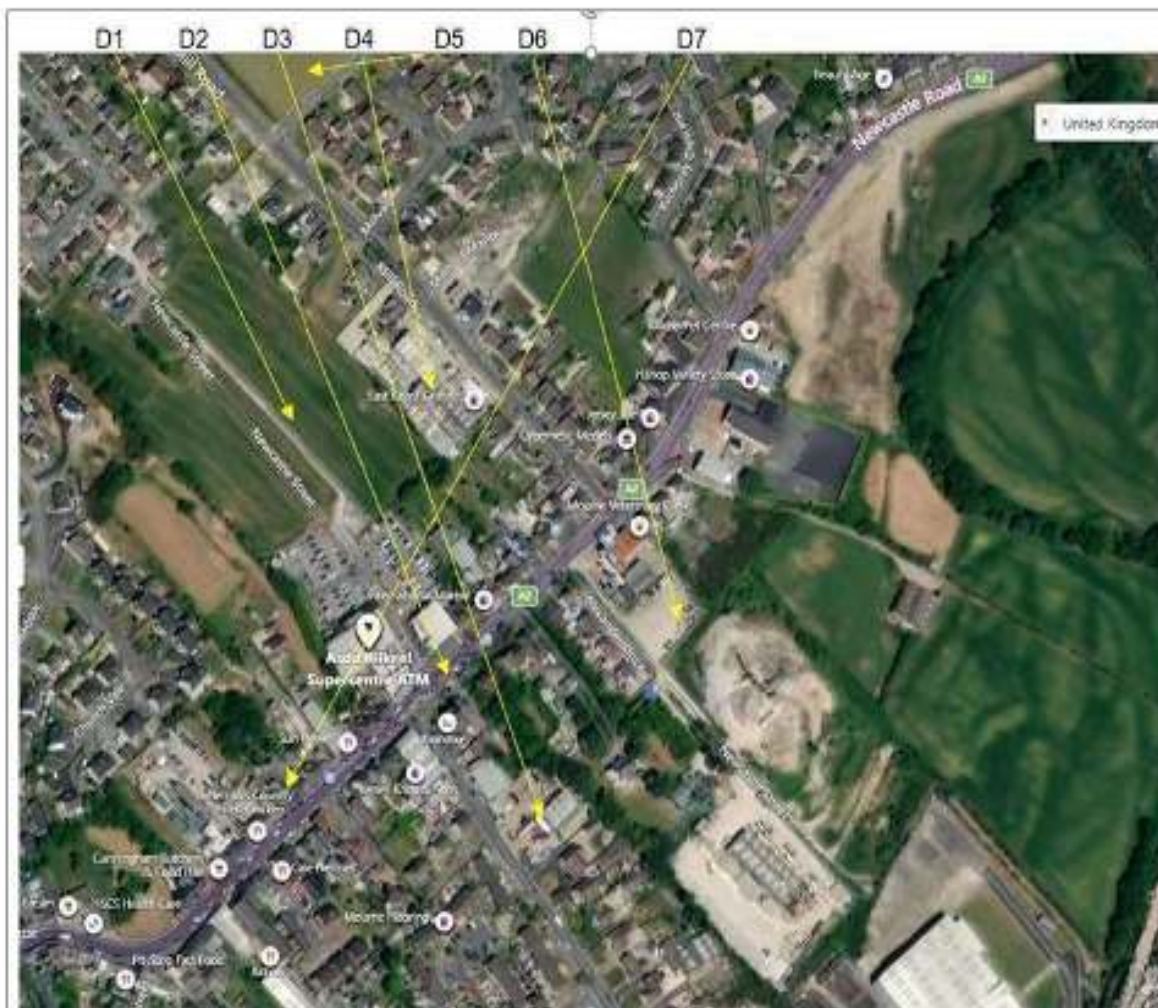
Alternative Sites / Solutions

The agent states in their supporting statement there are no other existing surrounding network sites that could assist with meeting the technical requirements. The geographical area surrounding the site does not have high buildings / rooftops that could be utilised for a solution nor are there other existing third-party site shares that could be utilised.

The nearest neighbouring base station is approximately 2km to the east at 74 Newcastle Road as shown below with the black triangle. This site is too far away from Killeel centre to provide adequate 4G and 5G Coverage in the town itself. The distance of the nearest active base station means weak or non-existent 2G, 3G and 4G outdoor and indoor coverage. The agent states in their supporting statement - new proposed installation must be in a position where it can be physically constructed and underground services continue to be a significant obstacle to the deployment of this roll out. Hence the submission of this application.



The following sites were explored by the agent as stated in their supporting statement:



D1- Land to the North of Asda is exposed and elevated and any new site will be prominent and visible from several key ocean views. The impact on AONB is significant.

D2- Public footpath on Newcastle Street itself there are very few footpaths that are wide enough to allow minimum pedestrian passing distances and any locations where footpath is wide enough will result in significant visual impact especially to drivers and pedestrians of Newcastle Street.

D3- Rooney Road- Land height falls away (heading South) which will result in the need for a structure exceeding 20m in height and this is deemed will give too much of a negative impact on visual amenity within AONB. Furthermore, proximity and views from many residential dwellings becomes much more significant.

D4- Industrial Premises on Mill Road- While the existing land use is more appropriate for telecoms infrastructure this location is more exposed and elevated and any new site will be prominent and visible from several key ocean views. The impact on AONB is

significant. Furthermore, proximity and views from a large number of residential dwellings becomes much more significant.

D5- Farmland to the North West of Mill Road- exposed and elevated and any new site will be prominent and visible from several key ocean views. The impact on AONB is significant.

D6- Industrial Units on Alexander Drive- Land height falls away (heading South) which will result in the need for a structure exceeding 20m in height and this is deemed will give too much of a negative impact on visual amenity within AONB.

D7- Rooftops around Junction between Victoria Mews and Newcastle Site and Rooftops to the West. There are no flat roofs in this area that could accommodate the apparatus or are not of a necessary height (20m) to meet coverage requirements.

From the above site alternatives explored it is clear there are various reasons why they are unsuitable such as exposed AONB locations, elevated sites resulting in too much visual impact, land gradient, impact on road safety and pavement not adequate width etc.

Impact on Health

The agent has provided a certificate to confirm that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields. The Council's Environmental Health Dept. were consulted on the proposal given the residential properties nearby and have responded with no objections given the submission of the above.

PPS 3 Access, Movement and Parking

DFI Roads have no objection in principle to the proposed works. It is considered plans as submitted comply with the requirements of Policy PPS3, particularly policy AMP1, as they have taken account the needs of all pedestrians including people with disabilities and those impaired, ensuring the infrastructure does not obstruct the public footpath or create blind spots for pedestrians crossing the road. The location chosen includes a wide footpath whereby all pedestrians/users can continue to use this without obstruction while existing crossing points immediately adjacent are also unaffected by the proposals.

PPS 2 Natural Heritage

The proposal is sited along an existing pavement in an urban area and does not require the removal of vegetation. The proposal is not considered to have an adverse impact on priority species or habitats.

Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development is located within an urban area whereby the

proposal would unlikely harm the special characteristics which underpin the AONB, largely appearing as part of the street furniture.

PPS 6 Planning Archaeology and Built Heritage

Policy BH 3 - Archaeological Assessment and Evaluation

The proposed development is approximately 160m south-east of 'The Crawtree Stone' (DOW 056:025), a prehistoric portal tomb of regional importance that is scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995. The portal tomb sits prominently in an elevated position within a field boundary that forms part of a laneway. It is a well-preserved example of a portal tomb that would originally have had clear views south-east towards the coast, this would have formed part of the sites functional setting. The site now overlooks the settlement of Kilkeel to the south-east and is immediately surrounded by two large fields on the periphery of the town. Further out, the site is surrounded by housing developments to the east, north and west.

Policy BH 1 of PPS 6 applies in this case, which states:

The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

In order to fully assess the impact of the proposed development on the Crawtree Stone Monument HED requested photomontages from various viewpoints to assess any potential impact. These included the following:







Following the submission of the above images HED advised the photomontages demonstrate the proposed scheme will read with existing built infrastructure in the townscape and will not have an adverse impact upon the setting on DOW 056:022. Consequently, the scheme is acceptable to Policy BH 1 of PPS 6.

The site is outside the boundary of the ATC and Area of Arch Potential.

Other Material Considerations

HRA

A HRA was not carried out as there is no watercourse directly abutting this site. Therefore, it is unlikely that there will any adverse effects from the proposed works on the integrity of any National or European site. There are no trees or landscape features on this site which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

EIA

This application has been screened by Council and as the development does not meet any thresholds, as set down in The Planning Environmental Impact Assessment Regulations.

Summary

While it is noted there is local opposition to the proposals, it is considered the plans, will not result in any unacceptable visual or environmental impact for the reasons stated, and there are no grounds to sustain a refusal. Accordingly, approval is recommended subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation: Permission Granted
Conditions: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. The development hereby permitted shall take place in strict accordance with the following approved plans: 002A, 100A, 215A3, 265A3 Reason: To define the planning permission and for the avoidance of doubt, Within three months of cessation of the use and operation of the telecommunications mast and equipment on this site the mast, compound and all associated equipment and paraphernalia shall be removed, and the land restored to its former condition. Reason: To satisfactorily protect the character and appearance of the area.
Case Officer Signature: Roisin Bird
Date: 20 th February 2024
Appointed Officer Signature: M Keane
Date: 20-02-24

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date



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

Application Reference:

LA07/2022/1838/F

Date Received:

16th November 2022

Proposal:

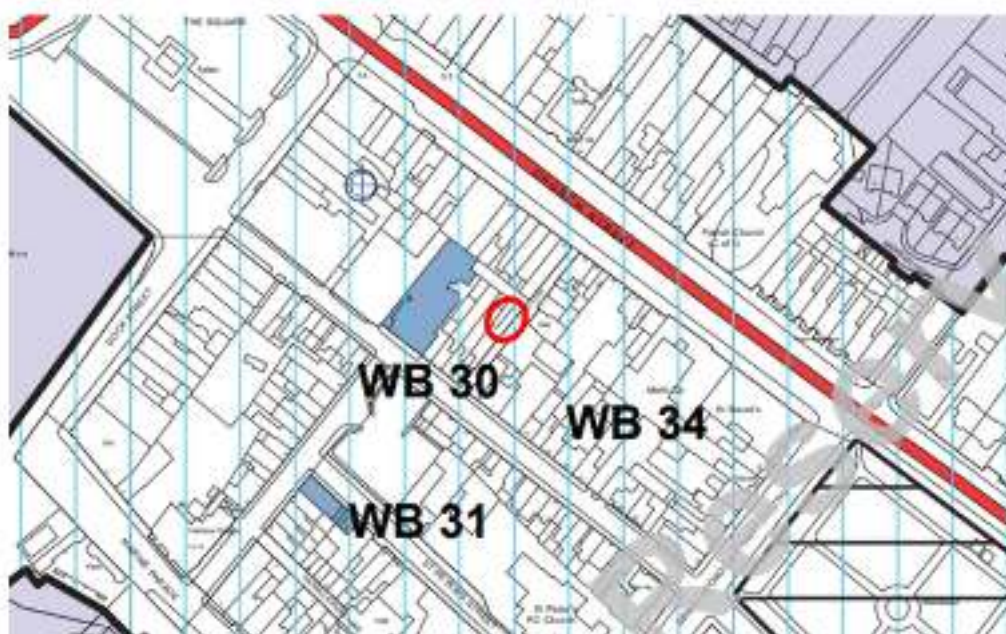
Erection of 2 No. Apartments

Location:

Church Lane, Warrenpoint
and to the rear of 9 & 11 Mary Street
Warrenpoint
Down
BT34 3NT

Site Characteristics & Area Characteristics:

The site is located within the Town Centre of Warrenpoint and the Area of Townscape Character as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is also within an Area of Outstanding Natural Beauty. The application is within proximity to listed buildings and scheduled monuments.



Map 3/06b – Warrenpoint Town Centre

The site comprises a flat rectangular site to the rear of two two storey dwellings and associated rear gardens (that are part of a terrace of 3 units). The boundaries of the site are defined by a concrete wall to the west and east and timber fencing to the south and northern boundaries. Access to the site is gained from a laneway off Church Street via a gate along the south-eastern boundary. The site is being used to store random items such as trolleys, doors, bins and metal railings.

The existing dwellings that front Mary Street are currently occupied and are finished in smooth painted render and dark non-profiled roof tiles. Parking for these dwellings is currently provided on street. To the south of the site there is a public car park. To the north there are a range of commercial premises along Church Street. The general character of the development along Mary Street is that of small, terraced dwellings of low ridge height with on-street car parking.

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 6 Addendum: Areas of Townscape Character
- PPS 7: Quality Residential Environments
- PPS 7 Addendum: Safeguarding the Character of Established Residential Areas
- PPS 12: Housing in Settlements
- Creating Places
- DCAN 8- Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards Parking Standards
- Parking Standards

Site History:

The planning history associated with the application building site is listed below:

- P/2006/1317 - 7-11 Mary Street, Warrenpoint - Erection of 9 No. apartments – Approved October 2009
- P/2014/0716 - Church Lane, Warrenpoint and to the rear of 9 and 11 Mary Street, Warrenpoint, BT34 3NT - Erection of 2 No apartments – Approved January 2017

The planning history associated with the adjacent Development Opportunity site west of the application site is outlined below:

- LA07/2018/1093/F - Nos 18-22 Church Street, Warrenpoint extending to and including No. 7 Mary Street BT34 3NT - Redevelopment of existing two and a half storey town centre supermarket with street frontage, including demolition of end of terrace kitchen house to the rear, to provide a new two storey extension to the rear comprising additional deli and fresh food retail space.

public toilets, storage and forecourt loading bay with canopy – Approved April 2021

Consultations:

- **DfI Roads** – requested details of car parking for the proposal whereby the proposed car parking will require to be inter visible with the proposal.
- **DfI Rivers** – no objections as per Polices FLD 1-5
- **Loughs Agency** – no objections subject to conditions
- **HED** – HM content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

HB – Listed Building HB16/11/002 has sufficient presence in the centre of Warrenpoint as to remain unaffected by development of the scale proposed on the application site.

- **Environmental Health** – no objections subject to conditions
- **NI Water** –raised concerns regarding potential network capacity issues whereby there is a public foul sewer within 20m of the proposed development, however a high level assessment has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. NI Water have advised that the applicant will need to submit an application to NI Water for a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed.

The Applicant was advised to consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required.

The agent has engaged with NIW whereby a waste water impact assessment application has been submitted (reference no. has been provided to the Planning Department), and remains ongoing between parties.

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

Objections & Representations:

Seven neighbour notification letters were issued 5th May 2023. One further notification letter was issued 7th June 2023 and 2 further letters were hand delivered to two additional addresses on 16th June 2023.

The application was advertised in the local press on 2nd June 2023.

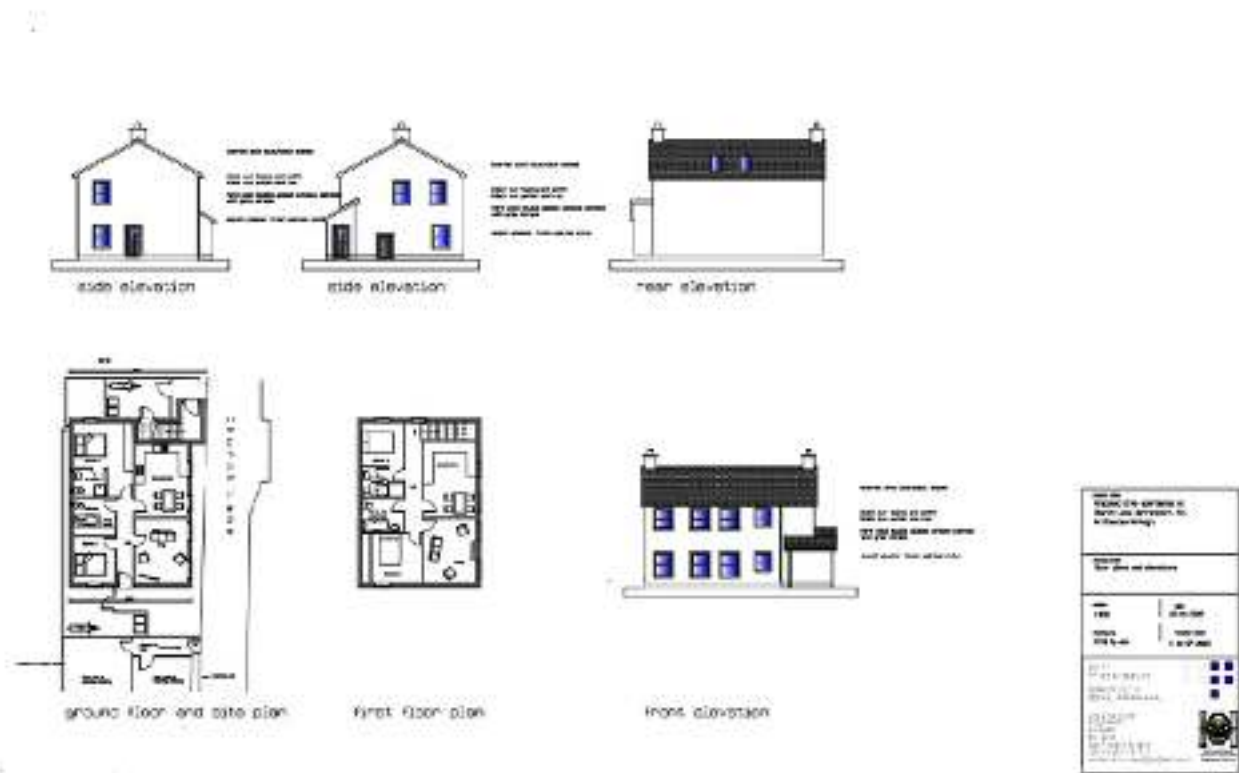
No representations have been received to date (26th January 2024).

Assessment

Proposal

The proposal involves the erection of a 2-storey building to house 2 no. apartments. Originally, the plans submitted were the same as those previously approved under P/2014/0716 as shown below.





The proposed building measures approx. 12m by 8m with a ridge height of approx. 7.8m from GL. Proposed materials include black roof slates, black PVC windows and RWGs and hardwood windows and smooth plastered walls painted white. There is no in-curtilage parking proposed. There is space within the plot for the storage of bins and bicycles.

Banbridge Newry and Mourne Area Plan 2015
Planning Act 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 and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the Town Centre of Warrenpoint, and the Area of Townscape Character as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is also within an Area of Outstanding Natural Beauty. The application is within proximity to listed buildings and scheduled monuments.

The Regional Development Strategy

RG8 of the Regional Development Strategy aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide 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 principle of developing this site within the urban footprint is in line with the regional housing policy of the RDS.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications. However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. 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 policies then the SPPS should be afforded greater weight. However, where 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. There is no conflict between the provisions of the SPPS and those of retained policy relevant to this application.

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

PPS 12- Housing in Settlements

Planning Control Principle 1-Increased Housing Density without Town Cramming

The policy directs that an increase in the density of housing development should be promoted within town and city centres however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the density along with form, scale, massing and layout respect adjacent housing and safeguard privacy.

Planning Control Principle 2- Good design

The policy advises that good design should be the aim of all those involved in housing development and will be encouraged everywhere and that all new housing developments should demonstrate a high quality of design, layout and landscaping.

Planning Control Principle 3- Sustainable forms of development

The policy promotes more urban housing accommodated through the recycling of land and buildings whereby more housing should also be promoted in city and town centres and mixed-use development encouraged.

The above Planning Control Principles will be assessed under Policy QD 1 of PPS 7.

Retained Policies

Policy QD 1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the

proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

All proposals for residential development will be expected to conform to a list of nine criteria.

The planning history associated with the application site is material to the assessment of this proposal. The same development as proposed (exception of changes to the appearance of the building) was approved in January 2017 whereby there have been no policy changes. As such, in being fair and consistent, it is deemed difficult to sustain a refusal under the same policies that were in place at the time of the previous approval. There are some changes affecting the site such as NI Water capacity issues and the recent approval adjacent the site for the redevelopment of an existing two and a half storey town centre supermarket. Changes have been made to the design of the building which the Department considers to be a betterment to that previously approved, including the use of hardwood windows, the installation of dummy chimneys on the ridge and a more acceptable solid to void ratio to the laneway elevation of the building. The rear elevation of the building is blank and is the elevation that abuts the site for the redevelopment of the supermarket, therefore there will be no impact on the amenity of the future residents of the apartments in terms of overlooking, loss of light or overshadowing. There is no private amenity space, nor in-curtilage parking. Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space. However, the town centre location of the application site is acknowledged whereby the application site is within close proximity to Ringmacilory Playing Fields and Warrenpoint Park. The seaside location of Warrenpoint is also noted, and as outlined previously, this same development and layout was recently considered acceptable and approved.

All the necessary services are located in close proximity to the site given its town centre location as mentioned above. The site is within walking distance to most neighbourhood facilities including a park, local shops, churches, GP surgery, restaurants and cafes and schools. The site provides a good location in terms of providing a movement pattern that supports walking and cycling. The proposal offers proximity to good public transport links and neighbourhood facilities.

Parking Standards provides the guidance of 1.5 unassigned spaces for each 2-bed apartment. 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 guidance above advises that 3 spaces are required to serve the proposed accommodation. PPS 3 AMP 7 states that a reduced level of car parking provision may be acceptable in the following circumstances:

- 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
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

The proposed scheme does not provide any off-street parking (as per the previous permission on this site), however as there is on street parking outside the site, a number of car parks close by and given its scale and location within the town centre where there is excellent public transport links, walking and cycling opportunities, off-street parking would not be requirement. DfI Roads were consulted and requested details of car parking for this proposal and advised that the car parking should be inter visible with the proposal. Given the recent approval on site, the Department did not consider it necessary to re-consult DfI Roads with further information.

The application site is within an Area of Townscape Character and an Area of Outstanding Natural Beauty.

Policy ATC2 of PPS 6 Addendum applies regarding the ATC designation. There are a no. of key feature associated with Designation WB 34. As per para 6.21 of the SPSS and policy ATC 2 – New Development in an Area of Townscape Character – the Department/The Planning Authority will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area. Although the proposed design is not the best example of acceptable development within an ATC, given the location down a laneway whereby views of the site are restricted unless specifically walking down the laneway and the recent approval on site, a refusal would be difficult to sustain as per Policy ATC 2. Moreover, design changes were achieved which improves the appearance of the building.

Policy NH 6 of PPS 2 is also applicable to the proposal given the location within an AONB. The development of a vacant plot down a small laneway is not unusual within Warrenpoint. As mentioned above, the scale, architectural styles and patterns are not examples of best practice, however given the recent previous approval whereby there have been no policy changes, a refusal would be difficult to sustain.

Given the current site condition whereby no buildings or mature vegetation is to be removed, the submission of ecological information was not required.

Annex E of APPS 7 lists a number of exceptions where Policy LC 1 will not apply. One of these is where the appeal site is within a designated town centre. As detailed previously, application site is within Warrenpoint Town Centre in BNMAP. For this

reason, I consider that the provisions of Policy LC 1 of APPS 7 do not apply in this case.

Summary

Generally, the proposed scheme is broadly acceptable. The Department notes the recent approval on site. The scheme will not create any negative amenity issues for the reasons listed. The proposal is considered to comply with all prevailing planning policies; as such, approval is recommended.

Recommendation: Approval

Draft conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 2718 fp ele A and 2718 lp.

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

3. The materials of the development hereby approved shall be as follows:
 - Roof: Blue/black slates
 - Windows and external doors: Hardwood
 - Walls: Smooth render painted white.

Reason: The site lies within an Area of Townscape Character.

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

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

5. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by the Planning Condition above, 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 approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer Signature: Eadaoin Farrell

Date: 26.01.24

Appointed Officer Signature: M Keane

Date: 26-01-24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2021/0904/F

Date Received:

4th May 2021

Proposal:

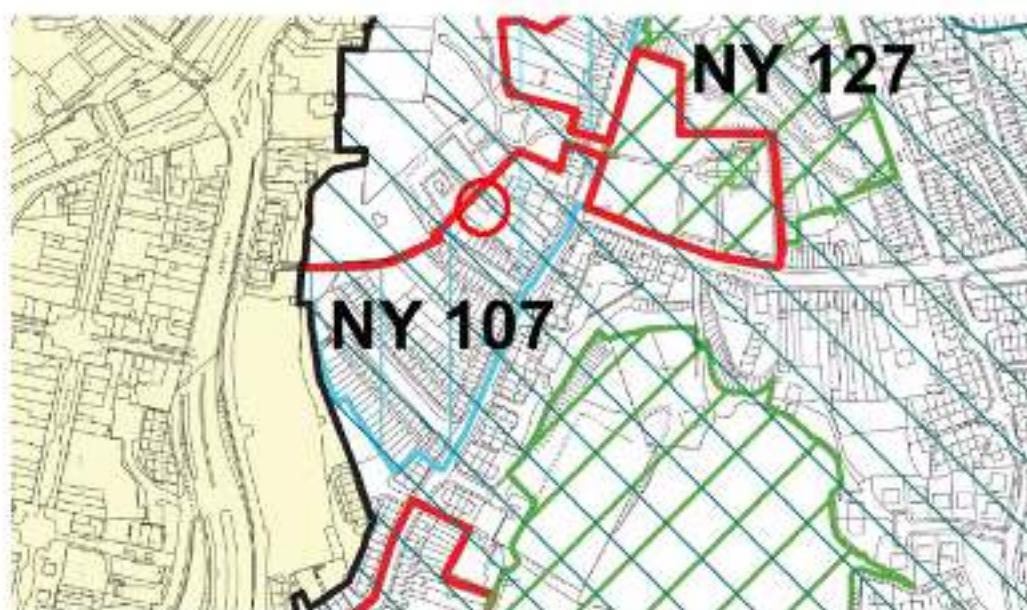
Erection of 1 No. 2 storey block, comprising 4 No. apartments

Location:

To the rear of 134-136 High Street
Newry
BT34 1HH

Site Characteristics & Area Characteristics:

The site is on unzoned land located within the development limits of Newry and the Area of Townscape Character as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is also within an Area of Archaeological Potential and abuts Newry Conservation Area. The application is within proximity to listed buildings and archaeological site DOW046:039.



Map 3/02a – Newry City

The rectangular concreted site is accessed off High Street and is located to the rear of a cul-de-sac. The site is relatively flat and comprises a concrete outbuilding. A terrace of three bungalows are directly adjacent the application site, served by the same access off High Street. To the rear of the application site there is a row of terraced dwellings along St Patrick's Avenue. The area is predominantly residential with the exception of a row of commercial units located along High Street, south-east of the application site.

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 6 Addendum: Areas of Townscape Character
- PPS 7: Quality Residential Environments
- PPS 7 Addendum: Safeguarding the Character of Established Residential Areas
- PPS 12: Housing in Settlements
- Creating Places
- DCAN 8- Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards Parking Standards
- Parking Standards
- Newry Conservation Area Guide

Site History:

The planning history associated with the application building site is listed below:

- P/2003/1845/O - Site for 2 no. three bedroom two storey dwellings, 1 no. two bedroom two storey dwelling, shared communal courtyard with 5 no. car parking spaces and pedestrian access (residential purposes) – Approved May 2004
- P/2005/2648/F - Erection of 2 semi detached dwellings – Approved March 2007
- LA07/2016/0709/F - Erection of 2 No semi-detached two storey dwellings – Approved November 2016

Consultations:

- **DfI Roads** – offered no objections subject to conditions in a final response.
- **HED** – HED (Historic Buildings) has considered the impacts of the proposal on the listed building (HB16/28/001 A- St Patrick's Church (C of I), Church Street, Newry Grade B+) and on the basis of the information provided, advises that it is of no greater demonstrable harm to the setting of the listed building than what is there currently.

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

- **Environmental Health** – No objections subject to conditions
- **NI Water** –raised concerns regarding potential network capacity issues whereby there is a public foul sewer within 20m of the proposed development, however a high level assessment has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. NI Water have advised that the applicant will need to submit an application to NI Water for a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed.

The Applicant was advised to consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required.

The applicant has engaged with NIW whereby a waste water impact assessment application has been submitted (reference no. has been provided to the Planning Department), and remains ongoing between parties.

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

Objections & Representations:

Nineteen neighbour notification letters were issued 25th August 2021.

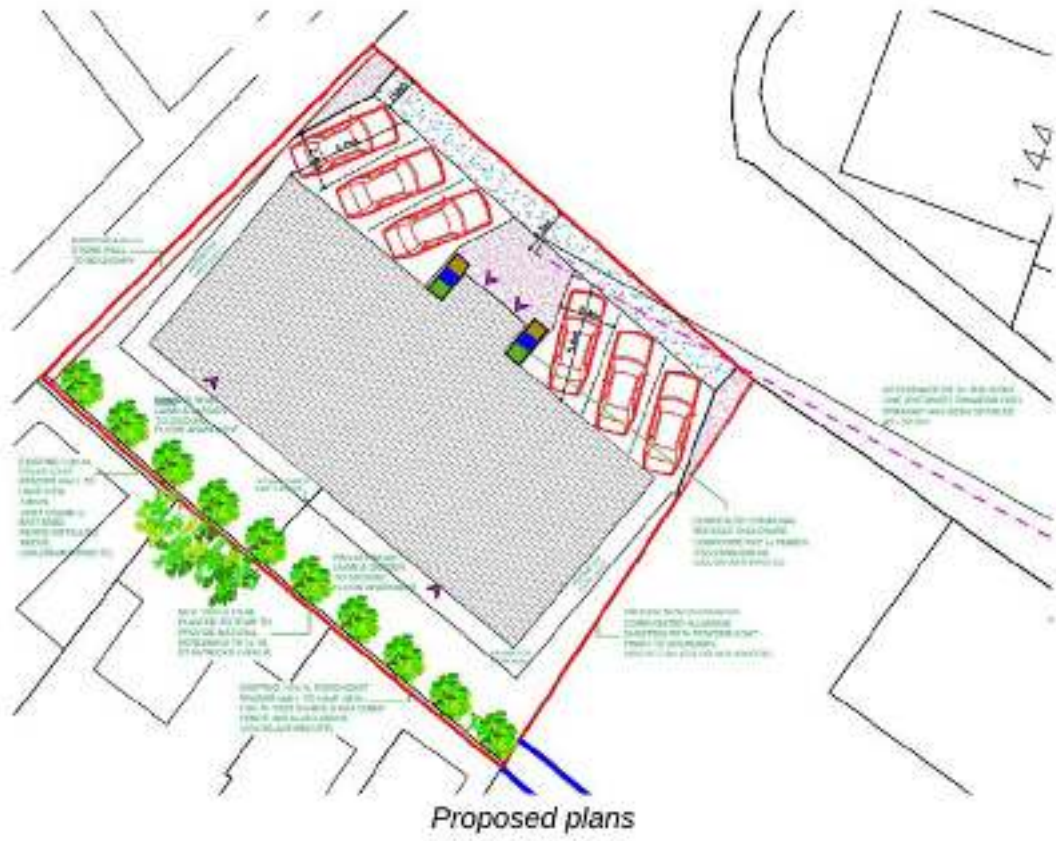
The application was advertised in the local press in May 2021.

No representations have been received to date (1st February 2024).

Assessment

Proposal

The proposal involves the erection of a 2-storey building to house 4 no. apartments. The proposed building measures approx. Proposed materials include black concrete roof tiles, grey uPVC windows, black PVC guttering and RWGs and brown bricks to external walls. There is space within the site for 6 parking space to the front of the building and amenity space to the rear of the building. Bin storage is to the front of the apartment block. The proposed plans are shown below.



<p>Project Details / Notes</p> <p>Project Name: [REDACTED]</p> <p>Client: [REDACTED]</p> <p>Address: [REDACTED]</p> <p>City: [REDACTED]</p> <p>State: [REDACTED]</p> <p>Zip: [REDACTED]</p> <p>Scale: [REDACTED]</p> <p>Date: [REDACTED]</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>PROPOSED REAR ELEVATION</p> </div> <div style="text-align: center;">  <p>PROPOSED LH GABLE ELEVATION</p> </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  <p>PROPOSED RH GABLE ELEVATION</p> </div> <div style="text-align: center;">  <p>PROPOSED FRONT ELEVATION</p> </div> </div> <div style="text-align: right; margin-top: 10px;">  </div>	<p>PROJECT NO. [REDACTED]</p> <p>DATE: 05/11/2023</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT: [REDACTED]</p> <p>ARCHITECT: [REDACTED]</p> <p>ENGINEER: [REDACTED]</p> <p>PROJECT NO. [REDACTED]</p>
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Proposed elevations

Banbridge Newry and Mourne Area Plan 2015 Planning Act 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 and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development settlement limits of Newry City, and the Area of Townscape Character as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is also within an Area of Archaeological Potential and within close proximity to listed buildings and scheduled monuments.

The Regional Development Strategy

RG8 of the Regional Development Strategy aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide 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 principle of developing this site within the urban footprint is in line with the regional housing policy of the RDS.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications. However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. 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 policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy. There is no conflict between the provisions of the SPPS and those of retained policy relevant to this application.

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

PPS 12- Housing in Settlements

Planning Control Principle 1-Increased Housing Density without Town Cramming

The policy directs that an increase in the density of housing development should be promoted within town and city centres however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the density along with form, scale, massing and layout respect adjacent housing and safeguard privacy.

Planning Control Principle 2- Good design

The policy advises that good design should be the aim of all those involved in housing development and will be encouraged everywhere and that all new housing developments should demonstrate a high quality of design, layout and landscaping.

Planning Control Principle 3- Sustainable forms of development

The policy promotes more urban housing accommodated through the recycling of land and buildings whereby more housing should also be promoted in city and town centres and mixed-use development encouraged.

The above Planning Control Principles will be assessed under Policy QD 1 of PPS 7.

Retained Policies

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

All proposals for residential development will be expected to conform to a list of nine criteria.

The planning history associated with the application site is material to the assessment of this proposal. The previous application was approved in Nov 2016, whereas the current application was received in May 2021, while the previous permission was still extant. The development approved in 2016 is shown below.



Approved floor plans and elevations

that previously accepted on this site, which, it is noted, was extent at the time of submission.

The proposed units are located approximately 3.5 from the rear boundary of the site with the properties in the adjacent street St Patrick's Avenue. This is approx. 0.5m further from the common boundary to the rear than the separation distance approved in 2016. Trees are to be planted along the rear and the existing 1m high boundary wall is to be retained with a 1.8m high fence on top. Given the recent approval on site, a refusal would be difficult to sustain regarding amenity concerns.

The application site is in close proximity to a listed building and an Ecclesiastical Site (DOW046:039). The site is also in an Area of Archaeological Potential. HED was consulted and in its response offered no objections as per PPS 6 - Planning, Archaeology and the Built Heritage. The application site abuts Newry Conservation Area. It is thought that the proposal is of no greater demonstrable harm to the Conservation Area than what is there currently and what was previously approved on site.

Given the scale of the proposed development, there is no requirement for the provision of public open space. Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space. However, the urban location of the application site is acknowledged whereby the application site is within close proximity to Heather Park and Kilmorey Park. The private open space provision for the existing dwellings in this area is also noted. I am generally satisfied that the provision of private open space proposed to serve the 4 no. apartments is acceptable.

All the necessary services are located in close proximity to the site given urban location as mentioned above. The site is within walking distance to most neighbourhood facilities including a park, local shops, churches, GP surgery, restaurants and cafes and schools. The site provides a good location in terms of providing a movement pattern that supports walking and cycling. The proposal offers proximity to good public transport links and neighbourhood facilities.

Given the scale of the development, a movement pattern is not required. It is proposed that a new vehicular and pedestrian link will be created onto the existing pavement.

Parking Standards provides the guidance of 1.5 unassigned spaces for each 2-bed apartment. 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 guidance above advises that 6 spaces are required to serve the proposed accommodation. PPS 3 AMP 7 states that a reduced level of car parking provision may be acceptable in the following circumstances:

- 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
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

The proposed scheme shows 6 parking spaces to the front of the building. There is also an existing turning circle to assist with the manoeuvring of vehicles directly adjacent the application site. DfI Roads were consulted and offered no objections as per PPS 3 'Access, Movement and Parking' subject to conditions.

The application site is within an Area of Townscape Character.

Policies ATC 1 and ATC 2 of PPS 6 Addendum apply. There key feature associated with Designation NY 107 is listed below:

- Early 20th century houses built by the Newry Urban Council at High Street, Stream Street and Talbot Street are two-storey, stepped two bay dwellings, all substantially similar in design and detail, which establishes their unity as a cohesive area of townscape with a modest domestic scale.

Policy ATC 1 states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. The existing concrete outbuilding on site does not make any material contribution to the distinctive character of the area, therefore the Planning Department is content with the principle of demolishing the existing building. As per para 6.21 of the SPPS and policy ATC 2 – New Development in an Area of Townscape Character – the Department/The Planning Authority will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area. Although the proposed design is not the best example of acceptable development within an ATC, given the location to the rear of a cul-de-sac whereby views of the site are restricted, the recent approval on site and the existing range of development adjacent the site, a refusal would be difficult to sustain as per Policy ATC 2.

In addition to the nine criteria of Policy QD 1 in PPS 7 that new dwellings in urban

areas must conform to, Policy LC 1 identifies another three criteria that must be met by dwellings infilling sites (including garden areas):

- a) The proposal is for 4 no. apartments. The density of the development is not significantly larger than that already found in the established urban area. The apartment block is domestic in scale with a slightly lower ridge height than the semi-detached dwellings approved in 2016. The layout of the plots mean that room is provided to the front to provide parking and therefore the rear garden is smaller than that for properties in St Patrick's Avenue but this layout is similar to that of existing dwellings in this street and that recently approved.
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area. As discussed above, parking provision to the front dwellings in this area is typical of this area. The proposed development therefore meets this criterion.
- c) The floor space of each proposed dwelling is approximately 75m². Annex A requires a 4 person and 2 bedroom flat to provide, as a minimum, 70/75² of floor space. The proposed units therefore meets this criterion.

Summary

Generally, the proposed scheme is considered acceptable. The Department notes the recent approval on site, whereby it is considered the scheme now proposed will not result in any significant increased or unacceptable impact on the character of the area or any neighbouring property from that previously granted. The scheme will not create any negative amenity issues for the reasons listed. The proposal is considered to comply with all prevailing planning policies; as such, approval is recommended.

Recommendation: Approval

Draft conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 01, 03Rev5, 04 and 05.

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

3. 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.

4. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by the Planning Condition above, 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.

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 03 Rev 5, bearing the date stamp 12th September 2022.

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

6. The apartment units permitted, shall be occupied until the Footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. 03 Rev 5, bearing the date stamp 12th September 2022.

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.

7. The visibility splays at the access to High Street shall be provided in accordance with Drawing No 03 Rev 5, bearing the date stamp 12th September 2022 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.

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

Reason: Road safety and convenience of traffic and pedestrians.

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

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

10. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the units hereby approved.

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

11. Should any unforeseen ground contamination be encountered during the development, 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 (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

Reason: In order to protect human health.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. The Private Streets (Northern Ireland) Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992
Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations

- (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
5. Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
 6. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Department for Infrastructure, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980
 7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
 8. The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement
 9. Street furniture to be placed to the back of footway.
 10. The bin storage area should be of sufficient size to accommodate 3 bins per apartment (or communal facilities). The councils refuse collection system is now a three bin system Blue: Dry recyclables, Black: General waste, Brown: Food and garden waste.
 11. All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.

Case Officer Signature: Eadaoin Farrell

Date: 01.02.24

Appointed Officer Signature: M Keane

Date: 01-02-24

Committee Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2019/1162/F	Target Date:
Proposal: Proposed erection of 5 detached dwellings and associated parking, 3 garages, landscaping, road widening and all other associated site and access works	Location: Lands adjacent to and south west of 7 Saintfield Road (BT24 8UZ) and north of 41 Moss Lane (BT24 8EG) Ballynahinch
Applicant Name and Address: Ewetwo Developments Ltd 31 Church Street Dromore BT25 1AA	Agent Name and Address: 20 May Street Belfast BT1 4NL
Date of last Neighbour Notification:	28 August 2019
Date of Press Advertisement:	5 August 2019
ES Requested: No	
Consultations: DfI Roads Northern Ireland Water NMD Environmental Health NIEA DfI Rivers	
Representations: N/A	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located within the NW sector of the settlement limits of Ballynahinch and on the western fringe of Local Landscape Policy Area (LLPA11) as designated in the Ards and Down Area Plan 2015 (ADAP2015).

The site is comprised of a 0.68hectare rectangular road side plot, located at the foothills of a drumlin bound to the west by Saintfield Road and to the east by rising ground surmounted at its peak by a farm grouping containing large sheds accessed from Moss Road. The access to this farm transects the site.

The site has a frontage of approx. 130m and is approx. 30-40m deep. The northern, southern and roadside boundaries to west are defined by vegetation while the eastern boundary is currently undefined given its location within a larger field.

To the immediate south of the site a new residential development has been recently erected and is known as Moss Lane.



Description of Proposal

Proposed erection of 5 detached dwellings and associated parking, 3 garages, landscaping, road widening and all other associated site and access works

Planning Assessment of Policy and Other Material Considerations

Ards and Down Area Plan 2015

Strategic Planning Policy Statement

PPS 3: Access Movement and Parking

PPS 6: Planning Archaeology and Built Heritage

PPS 7: Quality Residential Environments

PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas

PPS 12: Housing in Settlements

DCAN 8

DCAN 15

Creating Places

PLANNING HISTORY

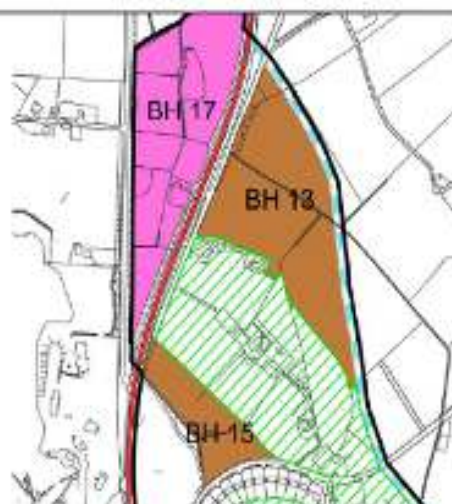
There is no relevant planning history on the site however adjacent the following are noted.

R/2010/0300/F – Site 40m North of 21 Moss Road Ballynahinch – Residential Development for 36 units associated site works etc – Permission Granted 10.09.2014

R/2011/0648/F – North of 7 & 9 Saintfield Road Ballynahinch – Housing Development comprising 42 units – Granted 30.10.14

CONSIDERATION & ASSESSMENTArea Plan Context

The site is located within the Settlement Limit of Ballynahinch. The lands are unzoned but are contained within a Local Landscape Policy Area (LLPA) Designated LPA 11 – Lands to the North and South of Moss Road) As a LLPA Policy CON 2 of ADAP 2015 applies.



CON 2 states that planning permission will not be granted to development proposal which would be liable to adversely affect the environmental quality, integrity or character of these areas. The explanatory text of CON 2 states that LLPAs are those area, within or adjoining settlements, which are considered to be of greatest amenity value, landscape quality or local significance and therefore worthy of protection from undesirable or damaging development. They include

- Archaeological sites and monuments and their surroundings;
- Listed and other locally important buildings and their surroundings
- River banks and shore lines and associated public access;
- Attractive vistas, localised hills and other area of local amenity importance; and
- Areas of local nature conservation importance, including area of woodland and important tree groups.

LLPAs associated with settlements help to ensure that new development does not dominate their distinctive landscape and townscape characteristics. They may also function as buffer zones between different uses and help to reduce the likelihood of over intensive development. The LLPA designation text of LLPA 11 (also applicable to LLPA 12 & 13) sets out further information on the environmental quality, integrity and character of the area –

- Localised undeveloped drumlin landforms and hilltops providing a setting to town and proposed Ballynahinch by-pass; and
- Part of the landscape setting of the town which is provided by a series of distinctive and undeveloped drumlins.

Other designations and zonings identified by the ADAP that are within the vicinity of the site include.

- A24 Belfast Road – Protected Route
- Zoned housing lands either side of LLPA (BH 13 and BH15)
- Ballynahinch Bypass route to the North and East defining the edge of the Settlement Limit.

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.

While the site is located within the LLPA, it is important to note that such designation does not preclude development provided it does not adversely affect the environmental quality, integrity or character of the area. In consideration of this it is noted that LLPA 11 relates to a large area of land stretching from Saintfield Road to that to the south east of Moss Road. Its stated purpose is to protect the drumlin landforms and hilltops providing a setting to Ballynahinch. Much emphasis has been placed in plan on the undeveloped nature of the feature, however, just east of the proposed site there lies a large farm holding, which undermines the designation somewhat at this location.

Given the facts that the site is relatively low lying and road side which is bookended by the development at Moss Lane, No 7 Saintfield Road and the farm complex to the east, it is considered that development of the site as proposed, would not result in a scheme which would have an adverse effect on the environmental quality, integrity and character of the LLPA as the majority, in particular the upland area of it, would remain unaffected.

It is on this basis that the principle of development is considered to be acceptable.

Policy DES 2 of the PSRNI

This policy requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

PPS 7 – Quality Residential Environments

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The 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. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

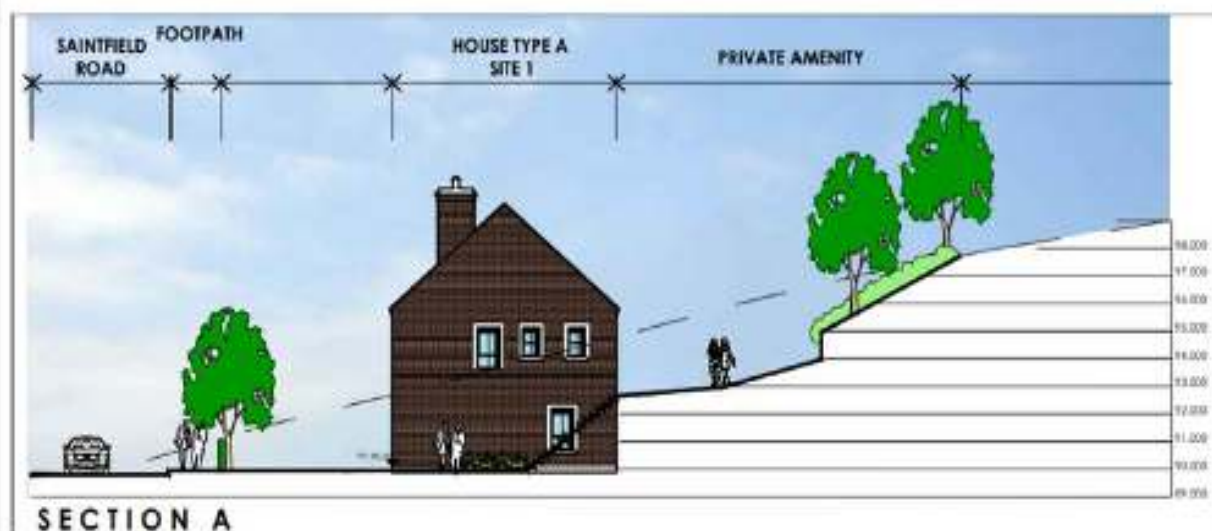
(A) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

This criterion requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and

appearance of buildings, landscaped and hard-surfaced areas. The proposal seeks full permission for the erection of 5 detached dwellings.

The site is located within the settlement limit of Ballynahinch, on a site which is currently vacant, but within an existing residential area, defined to the north and south by Housing Zones BH13 and 15.. The existing development Moss Road Ballynahinch presents a mix of dwelling types detached and semi-detached two-storey dwellings.

The proposal sets out a scheme of 5 detached dwellings in a mix of styles. The topography of the site is varied with levels steeply rising to the more northern end of the site. As such the developer has designed split level dwellings at plots 1 & 2 (House Types A & B) as can be seen below in Section A



Overall, it is considered that the development in principle would respect its surrounding residential context and the layout is appropriate in character.

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;

As described above in the assessment of principle, the site is located within LLPA 11 as designated in the Ards and Down Area Plan 2015. It is considered that development of the site as proposed, would not result in a scheme which would have an adverse effect on the environmental quality, integrity and character of the LLPA as the majority, in particular the upland area of it, would remain unaffected.

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

In terms of private amenity space, the proposed layout plan shows that each dwelling will have adequate private amenity space to the rear. The garden sizes vary as does the topography within in them. Dwellings A and B will have more elevated gardens at the rear with steps accessing the higher amenity areas, while those on the lower portion of the site and at HT C and

D will have a more level provision. This provides a variety of garden sizes as per current guidance e.g.

- A. 145 sqm
- B. 84sqm
- C. 200sqm
- D. 220sqm
- D. 310sqm

A robust landscaping scheme has been provided showing detailed planting for the site. The rear boundary of the site and those of the individual plots will be defined with a 1.8m high close board timber fence. To the rear eastern boundary a woodland and mature tree planting area is proposed which will be contained within a retained area – details of the retaining structure are to be found in drawing No PL/WF/01. Hedging is proposed to define the front of each plot in addition to mature tree planting along each of the plots shared boundaries, in order to protect residents' privacy.

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

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Strangford.

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

The site is located within the settlement limit of Ballynahinch and is therefore within walking distance of all the facilities within the settlement and convenient to public transport etc.

(F) adequate and appropriate provision is made for parking;

Proposals for residential development are expected to provide adequate and appropriate provision of parking within the development. 2 in-curtilage car parking spaces have been provided which is compliant with the parking standards and that guidance set out in Creating Places.

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

4 house types are proposed within this scheme.

House Type A is a detached dwelling which will present as a two-storey to the front elevation and single storey to the rear, given the levels of the site and the proposed cut. It will be finished with a red brick chimney and external walls, raised plaster bands, a blue/black roof tile, black upvc rainwater goods, white pvc windows, hardwood door



PRINCIPAL ELEVATION

House Type B will also be a split level dwelling presenting as a two storey to the front elevation and single to the rear given the levels of the site. It will be finishes similarly as above but with rendered chimney and external walls.



PRINCIPAL ELEVATION

House Type C below will be a full two storey throughout and will be finished as per House Type A



PRINCIPAL ELEVATION

- RED BRICK CHIMNEY
- RED BRICK SET OVER TO ROOF
- BLACK uPVC SHUTTERS
- WHITE uPVC WINDOWS
- 18mm CONCRETE SLAB (PAINTED TO MATCH COURSE)
- RED BRICK WALL
- HARDWOOD DOOR

House Type D1 below will be a single storey dwelling finished as above but with a rendered front projection and red brick walls to the remainder. House Type D below is a handed version of HT D1.



While the proposed dwellings will be accessed via the Saintfield Road, they will be read in conjunction with those existing adjacent at Moss Lane (pictured below).



It is considered that the proposal will be in keeping with that existing in the immediate vicinity of the site and draws upon the best local traditions of form, materials and detailing.

SP 18 and DES 2 of PSRNI requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

Given the mix of dwelling types within the vicinity, it is considered that the proposal would meet this aspect of the policy.

(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;

In consideration of whether the proposal will create conflict with adjacent land uses it is noted that it lies adjacent an existing residential development. The layout shows that the proposed dwellings would be in a linear form along the access road which will represent a continuation of the existing form and layout. The proposed dwellings are considered to be sufficiently separated from each other and those adjacent so as not create nuisance / disturbance / overlooking or loss of privacy. Each dwelling will have its own in-curtilage car parking spaces.

I) The development is designed to deter crime and promote personal safety.

It is considered that the proposal could comply with this satisfactorily.

The proposed development complies with the requirements of PPS 7 QD1.

PPS 15 – Planning and Flood Risk

Following a consultation with DfI Rivers, the following is noted, the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

A small portion of the site containing proposed garden and driveway is within an area of predicted pluvial flooding. Due to the steep topography of the lands to the rear of the site, consideration should be given to the impact of overland flow entering the site and mitigation provided if necessary.

The proposal falls below the 1000sqm hard surfacing threshold for a Drainage Assessment, therefore one is not required.

The proposal is therefore deemed to be compliant with the relevant policy requirements of PPS 15.

Other Matters

Northern Ireland Water has advised through their consultation responses that there are network capacity issues which at present prohibit the connection of this development to the network. As such the applicant has engaged with NIW via a Waste Water Impact Assessment (WWIA) to find a solution. This process is on-going, conditions therefore regarding the commencement of the development and agreement with NIW regarding these issues are deemed appropriate in this case.

The proposed development is located approximately 400 metres from the boundary of a PPC Part B permitted site which is regulated by the Industrial Pollution and Radiochemical Inspectorate (IPRI). Due to the proximity of the proposed development to the boundary of this site there is the potential for occupants to suffer periodic loss of amenity due to noise, dust etc. NIEA have not recommended any conditions be attached should an approval for the development issue, an informative may therefore be appropriate to ensure the applicant / developer is aware of issue.

Summary

In assessment of the all the material considerations including the responses of consultee it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.

Application to be presented to Committee given NIW negative conditions to be attached.

DRAWINGS

The drawings considered as part of this assessment are as follows

PL/LM/01 REV B, PL/SL/01 REV G, PL/L/01, PL/SS/01 PL/WF/01, PL/A/01, PL/A/02, PL/B/01, PL/B/02, PL/C/01, PL/C/02, PL/D/01, PL/D/02, PL/D1/01, PL/D1/02, PL/GAR/01	
Neighbour Notification Checked	Yes
Summary of Recommendation	
Approval subject to conditions.	
<ol style="list-style-type: none"> 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 strict accordance with the following approved plans , PL/LM/01 REV B, PL/SL/01 REV G, PL/L/01, PL/SS/01 PL/WF/01, PL/A/01, PL/A/02, PL/B/01, PL/B/02, PL/C/01, PL/C/02, PL/D/01, PL/D/02, PL/D1/01, PL/D1/02, PL/GAR/01 Reason: To define the planning permission and for the avoidance of doubt. 3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 20-052-A10i Dated 22nd June 2022 Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980. 4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 20-052-A10i Dated 22nd June 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 	

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number Drawing No. 20-052-A10i bearing the date stamp 22nd June 2022. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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

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

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

Reason: Road safety and convenience of traffic and pedestrians.

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

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

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

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

and approved in writing by the Council in consultation with NIW

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

11. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition 10, 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.

12. All planting shall be carried out during the first available planting season after the occupation of the dwellings hereby permitted and in accordance with Drawing No PL/L/01. 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: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

Case Officer Signature: C COONEY	Date: 9 February 2024
Appointed Officer: A.McAlarney	Date: 09 February 2024

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: LA07/2022/1358/O	Target Date:
Proposal: Detached single dwelling	Location: Land adjacent to & east of 7 Spa Grange The Spa Ballynahinch
Applicant Name and Address: Tracy Murray 7 Spa Grange The Spa Ballynahinch BT24 8PD	Agent Name and Address: Gary Patterson 10 Castleward Road Strangford BT30 7LY
Date of last Neighbour Notification:	6 October 2022
Date of Press Advertisement:	13 September 2022
ES Requested: No	
Consultations: DfI Roads – No objections subject to a condition NI Water – Refusal – see report NIEA – No objections subject to a condition	
Representations: one objection – detailed in the report	
Letters of Support	0.00
Letters of Objection	1
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: Land adjacent to & east of 7 Spa Grange, The Spa, Ballynahinch



Date of Site Visit: 23rd September 2022

Characteristics of the Site and Area

The site is located in the side garden of No 7 Spa Grange. The site is located to the NE of No 7 and fronts onto Spa Road. Spa Grange is an established residential development of similar chalet type dwellings. No 7 is located at the end of the cul-de-sac of 11 dwellings. The rear elevations of No 7, 6, 5 and 4 back onto Spa Road. The NE boundary is bounded by open fields to the east, while the SE boundary shares its boundary with No 8 and comprises a mature hedge. The SW boundary is open with the remaining garden of No 7 and the NW boundary fronts onto Spa Road and comprises mature vegetation. Spa road comprises single detached dwellings in a linear formation opposite the site. The area is predominantly residential in character.

Description of Proposal

Detached single dwelling

Planning Assessment of Policy and Other Material Considerations

The application site is located within (on the edge) of the settlement limits of The Spa.

The application is assessed using the following policies:

- Ards and Down Area Plan 2015
- Regional Development Strategy
- Strategic Planning Policy Statement (SPPS)
- PPS 2 – Natural Heritage

PPS 3 – Access, Movement and Parking
PPS 7 – Quality Residential Environments
PPS 7 – Addendum Safeguarding the Character of Established Residential Areas
PPS 12 – Housing in Settlements

Guidance

Creating Places

DCAN 15 - Vehicular Access Standards

PLANNING HISTORY

Planning

Application Number: LA07/2015/0781/F

Decision: Permission Granted

Decision Date: 08 December 2015

Proposal: New side extension to create granny flat to replace existing attached garage

Objections & Representations

In line with statutory requirements seven neighbours have been notified on 22.09.2022. The application was advertised in the Mourne Observer on (expiry 05.10.2022). One objection letter was received in relation to the proposal with no letters of support noted. The objection letter (email) was received from Mr Alan Kendry. The letter has been read in full and is available to view on the planning portal. The objection was received 21/04/2022.

The main points of the letter are:

- Additional dwelling being squeezed in
- Detrimental impact on his home
- Detrimental to the character of the area and settlement pattern of development
- Construction will require the removal of mature hedge off Spa Road
- Site will require engineering and side filling due to the difference in levels of 3-4m
- Offside sight splay would constitute development in the Green Belt contrary to policy
- Proposed access arrangements will entirely change the southern visual aspect of approach to the Spa Crossroads, entirely detrimental to the village setting
- Purchased their home when it was a secluded site on a secluded development one of 1 single dwellings.

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) 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 site lies within the settlement limit of The Spa, as designated in the Ards and Down Area Plan 2015 (ADAP), the relevant statutory Local Development Plan. Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. Otherwise, the LDP contains no provisions applicable to the proposal. Therefore, no conflict, arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS), and those of extant regional planning policy.

Consequently, the relevant policy context is provided by ADAP Policy SETT 1, Planning Policy Statement 7- Quality Residential Environments (PPS 7), and the second Addendum to Policy PPS 7 entitled 'Safeguarding the Character of Established Residential Areas' (The Addendum).

PPS 7 Planning Policy Statement 7 Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' 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.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS 7 states 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 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. It further states 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.

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 proposal seeks approval for the erection of a dwelling in the side garden of No 7 Spa Grange. Criterion (a) of Policy QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The area has a variety of dwelling types and design on varying plot sizes with single detached dwellings predominating.

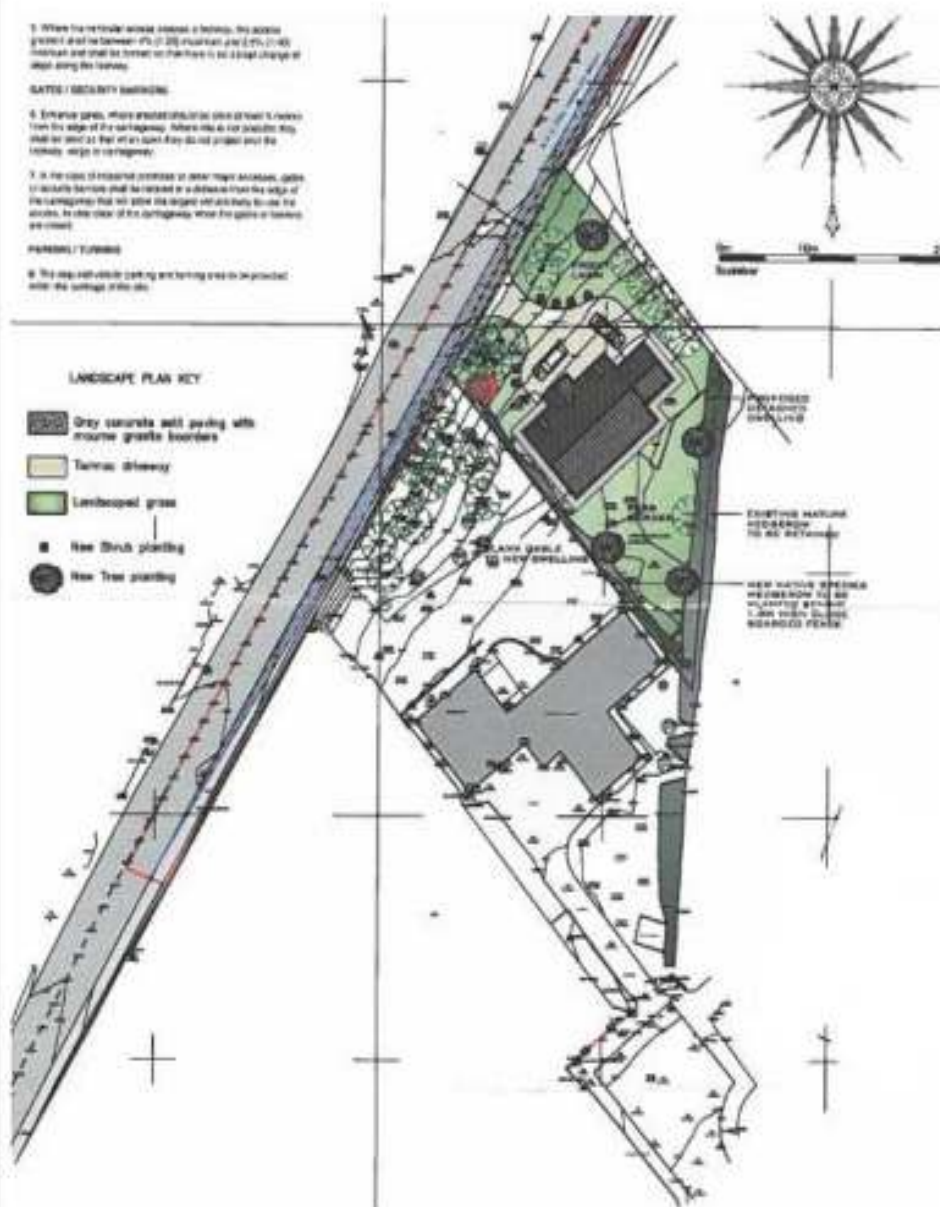
The acceptability of the proposal is dependent on the site characteristics and proposed layout plan with particular regard to the proposed amenity space and in-curtilage parking provision.

As mentioned the dwellings that front onto Spa Grange are characterised by a similar of house types some with two storey front projections and dormer windows in the roof with similar finishes, all detached with varying plot sizes and depths. The dwellings that front onto Spa Road opposite the site are characterised by a variety of house types including hipped roofed red brick dwellings, bungalows, chalet bungalows and two storey dwellings, some of them set back and higher to the roadside and some closer to the roadside.

Whilst there are a variety of house types in the wider area, when travelling along Spa Road, due to the current mature vegetation along this part of the road, there is little awareness of the dwellings that back on from Spa Grange. Established residential areas are defined, for the purposes of the Addendum (APPS 7), in Annex E as residential

neighbourhoods dominated by medium to low-density single-family housing with associated private amenity space or gardens. Given that the access is fronting onto Spa Road, the proposal would read with the properties opposite this new entrance moreso than Spa Grange, given that there will be no access from Spa Grange.

As this is an outline application no details of the elevations have been submitted, however a site layout plan has been submitted.



Given the nature of the shared boundary with No 8 there is a variation in the separation distance from the footprint of the proposed dwelling to the common side boundary with No. 8. There is a separation distance of 19m to the common boundary at its widest which reduces down to 7m at its narrowest. No 8 has a separation distance of 11.8m to this same boundary at its narrowest and 31m to its narrowest most northern corner

(shared with the plot). The layout also indicated space for 2 in curtilage spaces. This would be positioned at the front of the proposed new dwelling.

The subdivision of the larger plot would see a similar sized plot to the dwellings opposite the site. Thus when considered in its immediate context the individual plot sizes for both the existing dwelling (No. 7) and the proposed dwelling, results in both properties having plot sizes which would not be out of character when compared with the plot sizes of the existing dwellings opposite the site. The proposed frontage would be approx. 25m which is not out of character with the plot sizes opposite the site which are also approx. 25m. While the proposal would be forward of the building line of No 7, given that No7 relates more to Spa Grange and that there are other properties further SE towards the village of Spa that front onto Spa Road with no uniform building it, then it is not considered out of character in this context.

From observations on site and given the context of the variation of house types along this part of Spa Road it is judged that the proposal would respect its surrounding context in terms of layout, scale, proportions, massing and appearance of buildings. In this context it is further judged that the proposal would be in keeping with the overall character and environmental quality of the established residential area and would present as in keeping with the rhythm and character of the existing area. In this context the proposal would have a similar pattern of development and is not considered out of character in the local area, the proposal complies with QD (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;

There are no issues with regard to features of archaeological interest and built heritage.

(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;

Criterion (c) of Policy QD1 insists on residential development proposals adequately providing public and private open space and landscaped areas as an integral part of the development. Creating Places (CP) states that for any individual house an area of less than around 40 square metres will generally be unacceptable. Paragraph 7.19 of CP states that to give privacy to adjacent dwellings and gardens, an appropriately designed boundary treatment, such as a hedge, or wall, that is above eye level in height should

be provided. Paragraph 7.20 expands to say that there should always be a strong definition between private open spaces and public areas, for example, where the side garden of a dwelling abuts a road, footpath or common open space. Given that a 1800mm fence is indicated on the plan that would ensure that there would be a clear distinction between the private rear amenity space of the two dwellings (No 7 and the new dwelling). There is an existing mature hedge which forms the common boundary with the proposed dwelling and the adjacent neighbour at No 8. The amount of rear amenity space is above 70m² and is acceptable for both the existing dwelling at No 7 and the new dwelling, it is concluded that the proposal would comply with criterion (c) of Policy QD1.

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

This is a small scale proposal.

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

The site is located within the settlement limit of The Spa, there are no issues with regard to walking and cycling and provision of public transport is already in place within close proximity.

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

The requirement for adequate provision for parking is also set out in Policy AMP7 of PPS3. The indicative layout shows two incurtilage spaces for the proposed new dwelling and associated manoeuvring to the front of the dwelling. The existing dwelling will remain unchanged which shows sufficient space for the parking of two cars. The proposal would comply with criterion (f).

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

As this is an outline application, no details been provided at this stage. This assessment will be carried out at the Reserved Matters stage. However, it is noted that there is a varied range of materials and finishes, in the immediate vicinity.

(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

As this is an outline application no details of the elevations have been submitted, however, given the layout, separation distances indicated, it is deemed that a suitably

designed dwelling submitted at Reserved matters stage, could address concerns regarding overlooking, by restricting the height or having no upper floor windows.

(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 in the same regard as the existing dwellings.

APPS 7

Consideration must also be given to the Policy LC1 of Addendum to PPS 7 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 to accommodate new housing, where all the criteria set out in Policy QD1 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 dwellings units and apartments are built to a size not less than those set out in Annex A.

As Policy LC1 of the PPS7 Addendum reinforces extant policy it is considered that the proposal would comply with criteria (A-C) of Policy LC1 of PPS7 Addendum: Safeguarding the Character of Established Residential Areas. Given the indicative layout, a dwelling could comply with Annex A.

Planning Policy Statement 2 - Natural Heritage

The proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). Informal consultation has taken place with SES and given there is a good land buffer of 75 metres to the only potential environmental pathway (local watercourse), there was no need to consult with SES formally as no conceivable effects assessed. NIEA have also indicated in same, that in terms of designated sites and the aquatic environment, the proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development.

Policy NH2- Species Protected by law & NH 5- Habitats, Species or Features of Natural Heritage

NIEA -NED were consulted regarding the proposal, a NI Biodiversity Checklist (NIBC) and Preliminary Ecological Appraisal (PEA) by ATEC consulting were submitted and NIEA were consulted as part of the proposal.

NED notes from the Biodiversity Checklist that all trees to undergo arboricultural works were subject to a Bat Roost Potential (BRP) survey, and that the trees were classed as having "Negligible" suitability for roosting bats with the exception of one mature ash tree, which was classified as "Low" BRP. Bats are a European protected species under the Habitats Regulations, and as such are subject to a strict level of protection. NED is content that no further bat survey work is required prior to a planning decision being made and considers that the proposal is unlikely to have a significant impact on bats. NED would recommend that, as a matter of good practice, a check for bats is carried out on the mature ash tree with Low BRP immediately prior to removal and the tree is soft felled.

Hedgehogs:

Hedgehogs are a NI priority species. NED considers that the site contains habitats suitable for hedgehogs. Hedgehogs hibernate between November and March in habitats such as dense scrub, log piles and piles of leaves. Any vegetation clearance to be carried out during this time should be done with caution and if any such habitats are encountered works should cease and an ecologist contacted for advice. NED also notes informatives for birds and bats.

On this basis NIEA -(NED) has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to a recommended condition regarding retained trees. The proposal complies with NH 2 & 5.

Planning Policy Statement 3 – Access, Movement and Parking – Policy AMP 2

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Policy AMP 2 Access to Public Roads

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.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;

- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

DFI Roads have offered no objections to this proposal subject to the RS1 form. It is also considered that sufficient provision has been made for incurtilage car parking and turning within the site.

Residential Amenity

As mentioned the application lies adjacent to the neighbouring property at No 8 who has objected to the proposal. As discussed above, on balance the separation distance is deemed to be sufficiently adequate that a well-designed dwelling on the site, will not cause overshadowing or overlooking to a detrimental effect that would warrant a refusal reason based on amenity.

Other matters

NI Water have confirmed that while the business case for Drumaness WwTW is presently programmed to be submitted early April 2024, there is no guarantee that it will be approved and the funding is available to carry out the upgrade. They have agreed that this proposal will be allowed to connect to the public foul network, once the upgrade at the WwTW has begun and WWIA is not necessary. On this basis it is important to put a negative condition on any decision notice, that no development commences until the upgrade has begun, and NIW have agreed to a connection.

The application is subject to Planning Committee agreement on imposition of a negative planning condition to address NIW concerns.

Conclusion

The objector's concerns have been fully considered as part of the proposal, it is considered the development as proposed complies with the requirements of the area plan and the relevant policy tests which will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area, for the reasons outlined above with no grounds to sustain a refusal. It is therefore concluded that the development will not result in any unacceptable impact and complies with the respective policy context subject to conditions. The objector's concerns in this case are not given determining weight.

Recommendation:	
Approval	
The plans to which this approval relate include:-	
Site location plan – PL01	
Site Layout Plan - PL03	
Neighbour Notification Checked	Yes
Summary of Recommendation – Approval subject to conditions	
Conditions:	
<p>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 :-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>	
<p>2. The development hereby permitted shall take place in strict accordance with the following approved plans: Site location plan – PL01, Site Layout Plan - PL03.</p> <p>Reason: To define the planning permission and for the avoidance of doubt.</p>	
<p>3. 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 is commenced.</p> <p>Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.</p>	
<p>4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 03 shall be submitted in writing to the Council and shall be carried out as approved.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p>	
<p>5. 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</p>	

approved in writing by the Council. The development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure the dwellings integrate into the landform.

7. The dwelling hereby permitted shall be single/one and a half storey, with a ridge height not exceeding 6.5m above FFL and shall be designed to prevent any unacceptable overlooking over the adjoining properties at No 7 and No 8.

Reason: To ensure that the proposal is in keeping with the character of the area and to protect the amenity of adjoining residents.

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form **RS1**. The access shall be constructed in accordance with detailed approved plans and prior to the occupation of the dwelling house, as approved.

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

9. No development shall take place until full details of all retained trees and hedgerows along with proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

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

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

11. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall

be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

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

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

13. 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 12, 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. All Birds

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 or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

2. Bats

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

3. Animal Welfare

The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011

which indicates that it is an offence to cause unnecessary suffering to any animal.

There

may be wild animals such as hedgehogs present on site. To avoid any breach of the Act

through entombment or injury to animals on site the applicant should ensure that best

practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org

4. Pollution Prevention

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice Notes: Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment. Standing advice notes are available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

5. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.

6. 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.
7. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer Signature: C Moane

Date: 09 February 2023

Appointed Officer: A.McAlarney

Date: 09 February 2024

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: LA07/2023/1934/F	Target Date:
Proposal: Change of use from hairdressing salon to single bed apartment	Location: THE COURTYARD 11 SCOTCH STREET DOWNPATRICK BT30 6AQ
Applicant Name and Address: Mr Robert Marron 64 Myra Road Downpatrick BT30 7JX	Agent Name and Address: MB Architectural Design 42 Crew Road Downpatrick BT30 7TF
Date of last Neighbour Notification:	10 May 2023
Date of Press Advertisement:	1 February 2023
ES Requested: No	
Consultations: see report	
<p>Representations: Neale Weir QUOILE TAVERN -objects Comment: objects to the proposal on the following grounds: *Conservation area - This would constitute loss of continuous retail frontage in a conservation area</p> <p>* Detrimental to Regeneration Plans - NMD council and the Dept of communities have on-going plans to regenerate parts of Downpatrick and Scotch Street has been identified as a potential beneficiary of these plans. Removing further commercial spaces could run contrary to such works.</p> <p>* Effect on local businesses - Ground floor apartments cannot replace commercial units in terms of footfall potential</p> <p>*Traffic - Despite being a pedestrianised street Scotch Street (a street flanked by 2 car parks) has now become a car park in its own right after 6pm, particularly by ground floor dwellers (as the owner of No.6 Scotch Street I am qualified to make this observation)</p> <p>* Conservation Area Fabric - The two examples cited as grounds for similar ground-floor apartment conversion are not in keeping with the areas character and are detrimental to Scotch Street's character (though, one was previously a house prior to commercial conversion), this proposal would compound such an effect.</p>	

* Domino effect - If commercial-to-residential conversion is seen as a viable and more profitable alternative to commercial letting then it will behove other commercial landlords to do similarly leading to an compounding of the above listed material concerns (landlords are often forced to lower their commercial rents to gain tenants rather than have the privilege to opt out to the path of least resistance)

*Commercial Options Not Investigated - As the owner of the commercial unit 6 Scotch St I am aware of the commercial potential of the street but not aware of any attempt by the owner of 11 Scotch to rent out the premises to a new commercial tenant.

Philip Campbell Downpatrick Town Committee - objects

Downpatrick Town Committee is objecting on the basis that the submitted proposals are not in keeping with the Downpatrick Conservation Area Guide. The Committee would raise concerns that the applications do not comply with:

- 6.6 Where permission is sought to demolish or alter a building which has been listed under the Planning (Northern Ireland) Order 1972 as being of special architectural or historic interest, or to demolish any other building, it will be necessary to demonstrate that such works would in themselves be an enhancement or that they are required for overriding and exceptional reasons relating to the development of the area.
- 6.9 Changes of use necessitating a planning application which are likely to have an adverse effect on land or buildings which contribute significantly to the character of the Conservation Area will not normally be permitted.

Robert Marron - Applicant rebutting Mr Campbells comments

Comment on Mr Campbell's comments which state

- If reference is made to the plans the building is in no way being demolished or altered. Changing the use into residential would enhance this building which otherwise would become another vacant building on Scotch Street which is now becoming more abandoned like a lot of areas within Downpatrick. Surely it is better to have a building occupied than vacant which will then attract malicious mischief?
- As stated before it is not feasible for quite a few premises in Downpatrick to be businesses as the rates and electricity etc make it impossible for many businesses to continue as such. An example of which is the beautiful cafe that has just closed down due to the above circumstances. Downpatrick needs to be kept alive, not slowly becoming extinct like so many other towns.

Conor Galbraith Comment: (Support)

I would be in support of the additional residential change at this address to help continue develop the area and provide much needed housing.

Letters of Support	1
Letters of Objection	2
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at 11 Scotch Street, Downpatrick



Date of Site Visit: 20th April 2023 and 26th January 2024

Characteristics of the Site and Area

The site is located along Scotch Street and is located roughly half way along the street on the southern side. The site forms part of an attractive terrace along Scotch Street, with upper floor red brick front elevation and ground floor larger window where a former hairdressers operated from. The unit is currently vacant.

The proposal lies inside the settlement limit for Downpatrick, within both the Town Centre and Primary Retail Core. It is also within the Downpatrick Conservation Area.

Description of Proposal

Change of use from hairdressing salon to single bed apartment

Planning Assessment of Policy and Other Material Considerations

The following documents have been taken into account:

- The Ards and Down Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 6 – Planning Archaeology and the Built Environment
- PPS 7 – Quality Residential Environments
- PPS 7 – Addendum Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements

Guidance

Downpatrick Conservation Area Guide (March 1985)

PLANNING HISTORYPlanning

Application Number: LA07/2022/0910/F

Decision: Under Consideration

Proposal: Demolition of existing derelict building in conservation area and replacement with proposed building incorporating 6 apartments with amenity space. New boundary wall to rear of building and link to existing alleyway leading to Church Street.

Location: 10-12 Scotch Street Downpatrick

Application Number: R/1997/0927

Decision: Permission Granted

Proposal: Extension to existing licensed premises with new build shop unit and 1st & 2nd floor offices on site of existing supermarket

Application Number: R/1980/0105

Decision: Permission Granted

Proposal: Change of Use To Clubrooms

Application Number: R/1992/0989

Decision: Permission Granted

Decision Date:

Proposal: Conversion of existing premises and new build to provide shop and three flats

Application Number: R/1975/0634

Decision: Withdrawal

Proposal: 2 Storey Shop And Offices

Application Number: R/1992/0670

Decision: Permission Granted

Decision Date: 29 September 1992

Proposal: Demolition of part of building

Application Number: R/1993/0464

Decision: Permission Granted

Decision Date: 27 August 1993

Proposal: Extension to existing public car park

Application Number: R/1994/0057

Decision: Permission Granted

Decision Date: 06 June 1995

Proposal: Proposed new carriageway

Application Number: R/1997/0996

Decision: Permission Granted

Decision Date: 19 June 1998

Proposal: Part demolition and construction of replacement facade and roof pitch to match existing

Application Number: R/1999/0487

Decision: Permission Granted

Decision Date: 30 October 1999

Proposal: Change of use from 2 No vacant shop units to form extension to dwelling (shower room and bedroom) with alterations

Application Number: R/2003/1479/F

Decision: Permission Granted

Decision Date: 04 March 2004

Proposal: Change of use from dwelling to office

Application Number: R/2004/2098/F

Decision: Permission Granted

Decision Date: 01 February 2006

Proposal: Demolish existing premises & build 2 new shops & stores and 3 apartments.

Application Number: R/2004/2099/CA

Decision: Consent Granted

Decision Date: 01 February 2006

Proposal: Complete demolition of vacant shop premises and stores.

Application Number: R/2008/0785/F

Decision: Permission Granted

Decision Date: 26 February 2009

Proposal: Chinese hot food carry out (replacing hot food carry out at no 10 Scotch Street).

Application Number: R/2009/0249/F

Decision: Permission Granted

Decision Date: 27 November 2009

Proposal: Environmental improvement scheme to include footpath resurfacing, new street lighting and rationalisation of street furniture.

Consultations:

DFI Roads – No objections subject to Planning content with on street parking

NI Water – No Objections

Historic Environment Division – No objections

Development Plan – Non-Committal

Objections & Representations

In line with statutory requirements, neighbours have been notified on 10.05.2023. The application was advertised in the Down Recorder on 01/02/2023. Two objections and one letter of support have been received as detailed earlier in the report.

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. This proposal is a change of use from hairdressing salon to single bed apartment. This site is located within the settlement limit of Downpatrick within the Ards & Down Area Plan 2015 within both the Town Centre and Primary Retail Core. It is also within the Downpatrick Conservation Area.



Downpatrick Town Centre

Ards and Down Area Plan 2015

This site is located within the 'Town Centre' and 'Primary Retail Core' (PRC) of Downpatrick as identified on the Area Plan. Volume 1 of the ADAP states that the purpose in identifying a PRC within a Town Centre is to provide control over development inside that area, to ensure the continuance of a compact, lively and attractive shopping environment, offering both choice and convenience. It states that proposals within PRCs will be assessed in the context of prevailing regional planning policy and other relevant policies contained in the relevant settlement sections. The site lies within the following designation:

- DK 01 – Settlement Limit
- DK 23 – Downpatrick Town Centre
- DK 24 – Downpatrick Primary Retail Core

The ADAP points out that development proposals within Town Centres and PRCs will be assessed in the context of prevailing regional planning policy. Reference is made to Planning Policy Statement 5: Retailing and Town Centres, and other relevant policies contained in the relevant settlement sections. Proposal DK 23 and DK 24 define the extent of the town centre and PRC, however, they do not contain policy. There are no operational plan policies relevant to this assessment.

SPPS

The SPPS cancelled PPS 5. The SPSS provides strategic subject planning policy for a wide range of planning matters, including town centres and retailing.

Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities. It notes that they provide a wide variety of retailing and related facilities; including employment, leisure and cultural uses. Paragraph 6.269 states that it is important that planning supports the role of town centres and contributes to their success. Paragraph 6.270 states that the aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the RDS.

The premise that underpins the regional strategic objectives for town centres and retailing, set out in Paragraph 6.271 of the SPPS, is the town centres first approach for the location of future retailing and other main town centre uses. Footnote 58 of the SPPS confirms that town centre uses "includes cultural and community facilities, retail, leisure, entertainment and businesses".

It is noted that the proposal is for town centre housing. The site is not located within an area of protected housing, ADAP 2015 Policy HOU3 – Protected Housing Areas highlights the benefits that town centre housing can bring. An area of protected town centre housing is located on the upper part of Scotch Street (33-77 Scotch Street), to the east of the application site, it is however, located outside the Primary Retail Core (PRC) designation.

Development Plan were consulted regarding the proposal. They make reference to a Retail and Commercial Leisure capacity Study in 2020 which notes "Although public realm improvements have been made in Scotch Street, the level of vacancies along with several derelict buildings are detrimental to this area of the centre." Whilst the overall vacancy level in Downpatrick town centre (18.3%) is comparable to the NI average (18.1%), as set out in Appendix C, the Retail Study also noted "Vacancies are generally spread throughout the centre, although small concentrations of vacant units can be found in Market Lane and Scotch Street. "

Development Plan referenced a 2019 Health Check, contained within the Retail Study, which highlights that "Scotch Street is dominated by vacant premises (8 units) and leisure services (5 units). Retail provision (2 units) book end the northern half of the street with very limited convenience (1 unit) and comparison (1 unit) use on offer (see Appendix E). The position has deteriorated since then with the loss of the comparison use and this unit remains vacant".

The study concludes with a number of policy recommendations based on the study findings. In respect of proposals for the loss of town centre uses in town centre locations it suggests that the Council could "...ask applicants to demonstrate that there would be no undue impact on the vitality or viability of the centre through a qualitative exercise focusing on why the unit would more beneficially be given over to another use, and that a period of marketing should be appropriately evidenced to demonstrate that there is no demand for the unit under its existing permitted use."

In response to this Planning asked the agent to demonstrate the above. The applicant wrote a letter outlining why he feels the proposal is feasible and a beneficial project for the community, detailing the advantages of its prime location, positive impact on the community, efficient use of space, affordability, and adherence to regulations making this endeavour not only feasible but also highly attractive. (This letter is available to read on the planning portal).

In respect of the demand for the unit under its existing permitted use, the applicant states that every avenue has been explored over the 30 or so years that this has been commercial. This unit has been vacant many times over the years and he always found it difficult to rent even though the rent was well below other properties on the rental market.

He has included an email from his Letting Agents 'Lecale Letting' confirming that this property has been available for letting. It states the last commercial tenant ended in the lease in September 2022 (email is dated 24/08/2023). The email also details that the commercial supply in Downpatrick is high but demand is low mainly due to rising costs alone with businesses operating a more hybrid way to operate their business without the need for a town centre commercial premises.

The applicant has also sent photos of the properties within Scotch Street that are currently vacant with some of them being vacant for a number of years. He also states that other properties are becoming vacant throughout Downpatrick including Market Street which would be considered to be the prime retail location within Downpatrick which has numerous commercial premises sitting vacant for a considerable amount of time which highlights that there has been a decline in the demand for commercial properties in today's economic climate.

Planning assessment

Under the Use Class (NI) Order 2015, the use as a hairdressers falls under Part A Shopping and Financial & Professional Services: Class A1: Shops. While it is acknowledged that the proposal would not involve any external changes, the residential use would involve a loss of retail in the Primary Retail Core of Downpatrick. There is a current proposal (under consideration) opposite the site for the apartments which would see the loss of two ground floor retail units. The applicant has put forward a case as to why it should be given over to another use and while it is acknowledged that it is an unpredictable market, and that the applicant has had difficulties letting out the unit, allowing a wholly residential use at ground floor could also add to this issue and would reduce further the footfall to the area.

Paragraph 6.271 of the SPPS, details the town centres first approach for the location of future retailing and other main town centre uses, with footnote 58 confirming that town centre uses "includes cultural and community facilities, retail, leisure, entertainment and businesses".

It is recognised that the recent floods that Downpatrick Town Centre has experienced have had a huge impact on the businesses within Downpatrick especially within the primary retail core. Given that Market Street and St Patricks Avenue were severely

impacted by the floods, this has resulted in at least two premises relocating to Scotch Street (which was not impacted by the flooding). The Planning department would therefore have to adopt a precautionary approach in this instance, as once retail is given over to residential use at ground level, it will undoubtedly have an impact on the other businesses in the immediate area.

The residential use is not even one of the categories mentioned under Paragraph 6.271. On this basis, the proposal is contrary to paragraph 6.276 of the SPPS in that the proposal would result in the loss of retail development within the Primary Retail Core of Downpatrick.

Planning Policy Statement 7 Quality Residential Environments

As the use is for residential, then PPS 7 also has to be considered.

Design:

There are no changes to the frontage as existing.



The proposal is therefore assessed against the criteria under the listed criteria A-L under Policy QD1 of PPS 7.

Specific policy relating to the provision of private open space in residential development can be found in Policy QD1 of PPS7. It 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 all such proposals will be expected to conform to a series of criteria. Criterion (c) is that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards

the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space.

The application is for 1no. apartment on the ground floor, there is currently accommodation at first floor level. The proposal involves the change of use from what had been a hairdresser (now vacant) to residential accommodation. No changes to the external appearance to the front are proposed, with only a new sliding sash window to be added to the rear to provide light for the only bedroom. There is ground floor access the rear and while the agent has not indicated any designated amenity space, there does appear to be a yard area to the rear and he is in control of lands to the rear.

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Policy LC 2 The Conversion or Change of Use of Existing Buildings to Flats or Apartments is also relevant to the proposal. Planning permission will only be granted for the conversion or change of use of existing buildings to flats or apartments (including those for multiple occupancy) where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area;
- (b) the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building;
- (c) the original property is greater than 150 square metres gross internal floorspace;
- (d) all flats or apartments are self-contained (i.e. having separate bathroom, w.c. and kitchen available for use only by the occupiers); and
- (e) the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

Given the historical use of residential accommodation on the upper floors and the addition of this ground floor apartment, it is deemed that the proposal would comply with LC 2. While the apartment is approx. 42.5 m² the apartment is of a size and in line with Policy LC1 (c) of APPS 7- Annex A – Space Standards (35/40 m² required). There is adequate amenity space provided. There would be no overlooking, overshadowing or lack of privacy for either proposed or existing neighbouring properties. The proposal complies with APPS 7and PPS 7.

Conservation Area

Policy BH 12 New Development in a Conservation Area from PPS 6 – Planning Archaeology and the Built Environment details that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of

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

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

While the objectors reference Downpatrick Conservation Guide at paragraph 6.9 which refers to "Changes of use necessitating a planning application which are likely to have an adverse effect on land or buildings which contribute significantly to the character of the Conservation Area will not normally be permitted". Given that there are no changes to the external appearance of the front facade with only a new sliding sash window to be added to the rear to provide light for the only bedroom, then officers do not think a refusal could be sustained on this basis. The proposal would comply with BH 12 of PPS6.

Impact on Listed Buildings

Historic Environment Division (HED) (Historic Buildings) were consulting as part of the planning process and they have considered the impact of the proposal on the former Assembly Rooms, 2-8 Irish Street, Downpatrick (HB18/19/001), a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. The proposal satisfies the requirements of SPPS para 6.12 & PPS6 Policy BH11 as the listed building is sufficiently removed from the application site to remain unaffected by development of this scale.

In addition, HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.

Parking

Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport

and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking.

The proposal for a one-bedroom apartment. Creating Places requires 1.25 unassigned spaces for a one-bedroom apartment. The proposal does not involve any in curtilage car parking. Historically no parking is associated with the existing retail use. In assessment of this it is recognised that there is on street parking within walking distance and two council owned public car parks within a short walk. The site is located within a town centre location where there is access to public transport. On this basis the proposal complies with PPS 3 AMP 7.

Conclusion:

After assessment of all material considerations including objections which raises some valid points in terms of the loss of retail and its impact on footfall and taking into account the letter of support with regard to much needed housing, while it is acknowledged that there may be financial implications for the applicant, it has not been demonstrated that the existing commercial unit would more beneficially be given over to another use. On balance, the proposal does not comply with relevant planning policies, and it is recommended that the application be refused for the reason below.

Recommendation:

Refusal

Refusal Reason

The proposal is contrary to paragraph 6.276 of the Strategic Planning Policy Statement for Northern Ireland in that the proposal would result in the loss of retail development within the Primary Retail Core of Downpatrick.

Neighbour Notification Checked	Yes
Summary of Recommendation -refusal	
Case Officer Signature: C Moane	Date: 26 January 2024
Appointed Officer: A.McAlarney	Date: 26 January 2024

The case for objecting to planning application LA07/2023/1934/F

As the owner of 6 Scotch Street the potential loss of the neighbouring commercial premises to residential (studio-bedsits in the main) is nothing less than disastrous.

Scotch Street is unique in Downpatrick in that it is the only pedestrianized thoroughfare in the town, if not the only one in east Down. As such it has rare potential for traffic free shopping experience. And in Downpatrick's case one that is free of flooding on account of its elevation.

I am planning to open a café this year. This will complement the businesses that have moved to Scotch street since the flood, albeit potentially temporarily. A café needs businesses, attractions or views to enhance its prospects but seemingly the desired alternative in the case of the premises in question is that of a bedsit - Not a luxury apartment or a residence that would meet the fine standards of some housing associations, but a bedsit-studio. Bedsits are demonstrably bad for mental health,

(<https://www.theguardian.com/money/2018/oct/10/shrinking-homes-affect-health-shoebox-britain>) poor mental health being in opposition to the NMD 2030 living well together community plan: <https://www.newrymournedown.org/delivering-your-plan>

Also, there is a significant amount of similar accommodation where Scotch St meets Saul St

Currently most of the commercial units in Scotch Street are occupied, with the exception of the derelict buildings at 10-12 (unusable), the pristine no.19 and arguably no.11 itself.

No.s 10 – 12 I believe have officially applied for change of use too (and demolition).

Unofficially No.19 will also apply, I know this as I sought to rent this unit from the owners but they declined on the grounds of preferring residential conversion ergo they will be much encouraged (to the point of certainty) to also seek such planning permission to convert to a bedsit should this application be successful.

As will No.2-4 English St, again, I know from enquiring (And proof can be provided)

Point of order that NONE of these aforementioned Scotch St landlords have advertised their properties for rent as commercial units, ergo all claims of commercial non-viability are to be discarded (and those others that have advertised are prohibitively expensive; 800 pm on Scotch St and 600 pm on English St. HERE is a real cause of economic inactivity) until such a time has passed where we have seen a demonstrable lack of interest in these properties.

Surely 350 GBP per month should be advertised for at least a year before writing them off?

I personally have approached one of the landlords only to be rejected on account of a confident expectation of planning approval for residential purposes. I know of at least 2 other parties actively interested in premises on Scotch street so commercial non-viability is a busted flush as an argument in my (our?) opinion.

IF this planning application is permitted then there is no reason why No.s 10-12, 19 and 9a Scotch St and 2-4 English St can't do the same. Once that comes to pass then the street is a bedsit street, not a commercial street. As a business owner on the street this is contrary to my interests and will lead to reduced potential for my business (but no rates reductions will be

offered as compensation for damage done by what would effectively be the council's decisions).

NMD council claims to "empower businesses", this claim cannot be taken seriously if the council approves the conversion of potentially viable business sites into bedsits.

<https://www.newrymouredown.org/business-support>

This would also be in contrast to the NMD's development plan 2030 -

https://www.newrymouredown.org/media/uploads/nmd_local_development_plan_2030_pop_medium_web_version.pdf

"Ensure the LDP promotes economic development and regeneration across the whole district
• Maximise the potential of vacant land holdings in our area."

And "To recognise and accommodate entrepreneurship and innovation for large, medium and small firms by attracting new firms and accommodating new and expanding indigenous business"

Converting a commercial street (within a conservation area) into a bedsit street is the very opposite of developing an area economically not least in that footfall is decreased significantly – businesses need dozens of customers per day, bedsits do not.

Another consequence of the dormitorisation of Scotch St is the parking situation.

After a certain time parking is permitted for free, despite the nearby car parks. As such the street is clogged with cars and I find that when I'm taking my children to their evening activities we are forced into the centre of the street where we are exposed to vehicles zooming up the 'pedestrianised' street.

In the morning the street is stained with oil from leaky cars, studio-bedsits do not attract wealthy people, ergo the cars are often old and in need of constant repair, so people walking on the 'parking space' of such cars run the risk of slipping on oil. Who is legally liable in this instance is not clear though: the car owner, the department for Infrastructure or the council?

"But we need housing!"

Everywhere needs housing but there is a line to be drawn in terms of suitability and location, the tower block experiment of the 60's and 70's and the mass demolition of said experiment pay testimony to this, otherwise developers could convert every empty building into a capsule hotel and 'solve' the housing crisis. But the council and authorities recognises the catastrophic consequences of such a move. The 'bedsitification' of Scotch St is simply slightly down the scale of this.

Again; if this application is successful then at least 3 other properties on the street will be able to use this as a precedent to do likewise. That will be the beginning of the end of commercial life on Scotch Street and contrary to the council's stated retail and economic ambitions, not to mention damaging to my own.

Yours Sincerely,

Neale Weir, owner (director) of 6 Scotch St, Downpatrick

Proposed decision (including reasons if the decision is refusal) –

LA07/2023/1934/F THE COURTYARD 11 SCOTCH STREET DOWNPATRICK

120

Refusal - The proposal is contrary to paragraph 6.276 of the Strategic Planning Policy Statement for Northern Ireland in that the proposal would result in the loss of retail development within the Primary Retail Core of Downpatrick.

Upon careful review of the Case Officer's Report, it becomes evident that the majority of the report supports the proposed plan. The single basis for refusal is grounded in the contravention of paragraph 6.276 of the SPP. This objection specifically focuses on the potential loss of retail development within the Primary Retail Core of Downpatrick. Set out below are valid and credible planning reasons for request for referral to Committee

The Report highlights various aspects endorsing the Proposal, suggesting that the refusal is primarily centered around the impact on retail within the Primary Retail Core. It's important to delve into the particulars of this objection, considering the broader context provided by the Case Officer's findings. This nuanced understanding can shed light on potential mitigations or alternative approaches that address the concerns while still aligning with the overall goals of the Strategic Planning Policy

Loss of retail within Primary Core Area The Primary Retail Core witnesses a notable decline, evident in every third unit now standing vacant. While our residential properties remain consistently occupied the retail space grapples with non-profitability, leading to its closure two years ago. Despite extensive efforts and collaboration with a local Letting Agent, the vacant shop has failed to attract interest, even with a reduced monthly rental and rates covered by the landlord. This prolonged vacancy highlights changing market dynamics, emphasizing a diminishing demand for small retail spaces and a rising preference for residential properties in the Town Centre.

SPPS Paragraph 6.267 Paragraph 6.267 of the (SPPS) underscores the importance of town centres as hubs for diverse activities. The stark reality of Scotch Street's current state, evident in rows of vacant shop fronts, challenges the directive. The Applicant's compelling case, acknowledged by the Case Officer, highlights the volatile market conditions exacerbated by recent events. In a climate where businesses teeter on the brink and properties consistently become vacant, the urgency of a decision aligning with dynamic local challenges is evident in Scotch Street's evolving landscape.

Policy QD1 of PPS7 requires new residential developments to contribute to a quality and sustainable environment. The current proposal aligns with this, aiming to revitalise the Town Centre by converting an empty shop into a liveable space. This strategic move can attract residents, increase foot traffic, and stimulate local businesses, positively impacting the economic landscape. Emphasising affordable housing solutions, particularly studio apartments, addresses a pressing need and enhances inclusivity, aligning with policy goals for the overall sustainability of the Town Centre.

Justification in Proposal The Case Officer emphasises the need for thorough justification in proposals impacting town centre uses, especially in these critical locations. The Council is advised to ask applicants to substantiate that there would be no unwarranted impact on the vitality or viability of the centre. This includes a qualitative assessment, requiring applicants to explain why repurposing the unit would be more beneficial. Additionally, the Case Officer suggests providing evidence of a marketing

period to demonstrate the lack of demand for the unit under its existing permitted use. This perspective is supported by the Letting Agent, who, as outlined in the provided document on the Portal, confirms the prevalent issue of a high volume of empty premises and a shortage of potential clients.

Applications under Consideration The Report mentions an application 'under consideration' for six or more units with demolition plans. However, my proposal emphasises preserving the building's existing façade to maintain the street's visual integrity. Additionally, it's crucial to note an unauthorised ground-floor residential conversion within the same street, adding complexity to the current considerations.

Objection: Mr. Weir, the owner of Quoile Tavern in Scotch Street, who has opposed this proposal, owns a property that has remained vacant for several years. It would be beneficial to encourage Mr. Weir, along with other owners of derelict properties, to proactively enhance his property rather than letting it remain dormant.

Denying this proposal would relegate the premises to another abandoned building, susceptible to remaining vacant and prone to vandalism. The prime area in Downpatrick is already grappling with an increase in empty commercial units, which, despite their prolonged vacancy, struggle to attract clients. This situation is indicative of the challenges faced by areas like Scotch Street, making residential housing a viable alternative. Continuous news coverage highlights the housing shortage, and Downpatrick is no exception. Repurposing this unit into a residential space stands as a pragmatic solution amid these difficult times. Councillors are urged to support the local community and business owners. A direct observation of Scotch Street and other parts of Downpatrick would provide a firsthand view of the prevalence of empty commercial properties, some lingering in vacancy for years.

Set out why this application should be determined by Committee rather than officers – The Case Officer's assessment appears to have overlooked the growing demand for residential developments in Downpatrick, a concern highlighted by the prolonged vacancies of commercial premises, some extending beyond two years. Despite the prevailing support for the proposed initiative, it is crucial to emphasise the prioritisation of residential projects over commercial endeavours, especially given the intricate context of Downpatrick's current challenges.

Within the local landscape, a pressing challenge is evident as numerous commercial properties remain unoccupied for extended periods, contributing to a growing list of vacancies that continues to expand. This persistent trend accentuates the need for a strategic approach that not only addresses the demand for residential spaces but also navigates the complexities of the commercial landscape. To effectively tackle this multifaceted scenario, a recommended course of action is to elevate the decision-making process to the Committee level. This strategic shift ensures a more nuanced evaluation, considering not only the merits of the proposal but also the broader implications of the prolonged vacancies in commercial properties. Elevating the decision-making authority to the Committee level acknowledges and responds to the unique challenges within Downpatrick. This approach guarantees a comprehensive examination that takes into account the intricate interplay between residential and commercial dynamics, aligning with the community's evolving needs and providing a more informed decision-making process that addresses both the demand for residential spaces and the persistent issue of commercial vacancies in a holistic manner.

Speaking rights request in support of application: LA07/2023/1934/F – The Courtyard, 11 Scotch Street, Downpatrick.

1. One of the objection representations speaks of loss of retail frontage to Scotch Street. It should be noted by the committee that Scotch Street as of today is made up of both domestic and non-domestic frontage. Looking from the top down towards the Arts Centre there is one domestic properties on the left hand side and one on the right hand side. This clearly shows that such a development would not have interruption to the frontage.
2. The committee need to consider the balance of vacant business units and the need for one bed apartments in the Downpatrick area. Only last Monday the council had the Northern Ireland Federation of Housing Associations in attendance. They stated that the total number of applicants on the housing waiting list that were single adult needing a one bedroom being 29%, equalling to 1143 people of the total 3942 in the Newry Mourne and Down area. The number of applicants continues to grow on the housing waiting list, while also the number of those in housing stress ever increases to.
3. The regeneration of Downpatrick is referred to and it is important that committee members understand history around the regeneration and the Ministerial Advisory Group stating that town centres have changed and bringing people to live into a town centre is as much importance for the thriving of a town centre.
4. The applicant has clearly shown that the exterior frontage of the property will not change, but the type of use will change.
5. In Downpatrick town centre alone, I can count 11 businesses that operate a hairdressing/barber business. Over the last 12 months, a number of businesses in this category has closed.

Delegated Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2023/2331/F	Target Date:
Proposal: Dwelling on a Farm	Location: LANDS 80M TO THE WEST OF 66 MOSS ROAD BALLYNAHINCH BT24 8XZ
Applicant Name and Address: John Robinson 68 Moss Road Ballynahinch BT24 8XZ	Agent Name and Address: Aaron Shannon 39 Belfast Road Saintfield
Date of last Neighbour Notification:	20 July 2023
Date of Press Advertisement:	26 April 2023
ES Requested: No	
Consultations: DAERA DFI Roads DFI Rivers NI Water	
Representations: 0	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: Aug. 2023

Characteristics of the Site and Area

The application site comprises a portion of an agricultural field which. Is located up a long, shared access lane off the northern side of the Moss Road. The site contains open field, and sits adjacent to a ruinous building with no roof.

The site lies outside the settlement limit of Ballynahinch and is therefore located in the countryside as designated in the Ards and Down Area Plan 2015.





Description of Proposal

Dwelling on a Farm

Planning Assessment of Policy and Other Material Considerations

The application is considered against Ards and Down Area Plan 2015, PPS 2, PPS 3 Access, Movement and Parking and PPS 21 Sustainable Development in the Countryside and SPPS. Building on Tradition Design Guide.

PLANNING HISTORY

Planning

Application Number: R/1998/0641 Date: Proposal: Replacement dwelling incorporating adjoining self contained unit	Decision: Permission Granted	Decision
Application Number: R/1975/0018 Date: Proposal: REPLACEMENT BUNGALOW	Decision: Permission Granted	Decision
Application Number: R/1974/0657 Date: Proposal: REPLACEMENT DWELLING.	Decision: Permission Granted	Decision
Application Number: R/1997/0596 Date: Proposal: Replacement dwelling and partially self-contained unit	Decision: Permission Granted	Decision
Application Number: R/1997/0595 Date: Proposal: Removal of Occupancy Condition, Planning Reference R/86/0401	Decision: Permission Granted	Decision
Application Number: R/1986/0401 Date: Proposal: RETIREMENT BUNGALOW	Decision: Permission Granted	Decision
Application Number: R/2004/0891/F Date: 07 October 2004 Proposal: Erection of replacement dwelling	Decision: Permission Granted	Decision
Application Number: LA07/2016/1478/F Date: 10 April 2017 Proposal: Proposed Replacement Dwelling and Garage (in substitution of previous approval R/2004/0891/F)	Decision: Permission Granted	Decision
Application Number: LA07/2022/0906/F Date: 21 March 2023 Proposal: Replacement single storey dwelling	Decision: Permission Refused	Decision
<u>CONSULTATIONS</u>		
<p>DAERA – the farm business has been in existence for more than 6 years, having been allocated in 2006. The farm business has claimed payments in each of the last 6 years and the application site is on land for which payments are being claimed by the farm business.</p>		
<p>DFI Roads – Initially responded seeking amended plans to show forward sight distance of 60m and access gradient of 1:25 for first 10m. Upon receipt of the amended plans, DFI Roads responded with no objections subject to conditions relating to access gradient and visibility splays being attached to any permission granted.</p>		
<p>DFI Rivers - FLD1 - Development in Fluvial and Coastal Flood Plains – DFI Rivers would like to bring it to the attention of the Planning Authority and the applicant that the existing access to the site via Moss Road is partially affected by the 1 in 100 year</p>		

Strategic Flood Plain. The applicant would need to ensure safe access and egress from site.

NI Water – no objections

EVALUATION

As this application is for full permission for a dwelling on a farm, the initial policy context considered is CTY 10 Dwellings on Farms.

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

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

The farm business in question is registered to 66 Moss Road. DAERA confirms that the farm business was established in 2006 and that farm payments have been received in each of the last 6 years. Officers are therefore satisfied that the farm business is active and established. **Point A of CTY 10 has been met.**

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any dwellings or development opportunities sold off from the farm holding in the last 10 years. This is further confirmed by the answer to Q5 of form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. **Criteria B has been met.**

Criteria (c) requires the proposed dwelling to be visually linked or sited to cluster with an established group of buildings on the farm.

Exceptionally an alternative site may be considered 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).

This application seeks full permission for a farm dwelling and garage. The site is located adjacent to a ruinous stone barn which is missing its roof. There had, at one point been a dwelling on the site also, however this is no longer in existence. Officers are not satisfied that the proposed dwelling would be visually linked or would cluster with an established group of buildings on the farm, since there is only one roofless building to visually link or cluster with. Fails this element of policy.

Furthermore, the site is considered to be too far removed from the nearest group of farm buildings associated with the farm. The site layout shows that the nearest building to the application site is a fairly new replacement dwelling with integrated garage at no. 66/64 (some ambiguity on the plans as to which number house number this dwelling is) – again, this is a building, not buildings. In any event, officers consider it to sit too far away from the proposed site for the proposed dwelling to cluster with it.

The site is set to the south west of a farm cluster at no. 66/68 (house number ambiguity again) comprising a dwelling, and a number of sheds and outbuildings. The distance between the proposed site and this cluster is some 120m. While this cluster is considered to represent buildings rather than a single building, it is however considered to be too far removed from the site for them to visually link and cluster successfully as per the policy. **Criteria C has not been met.**

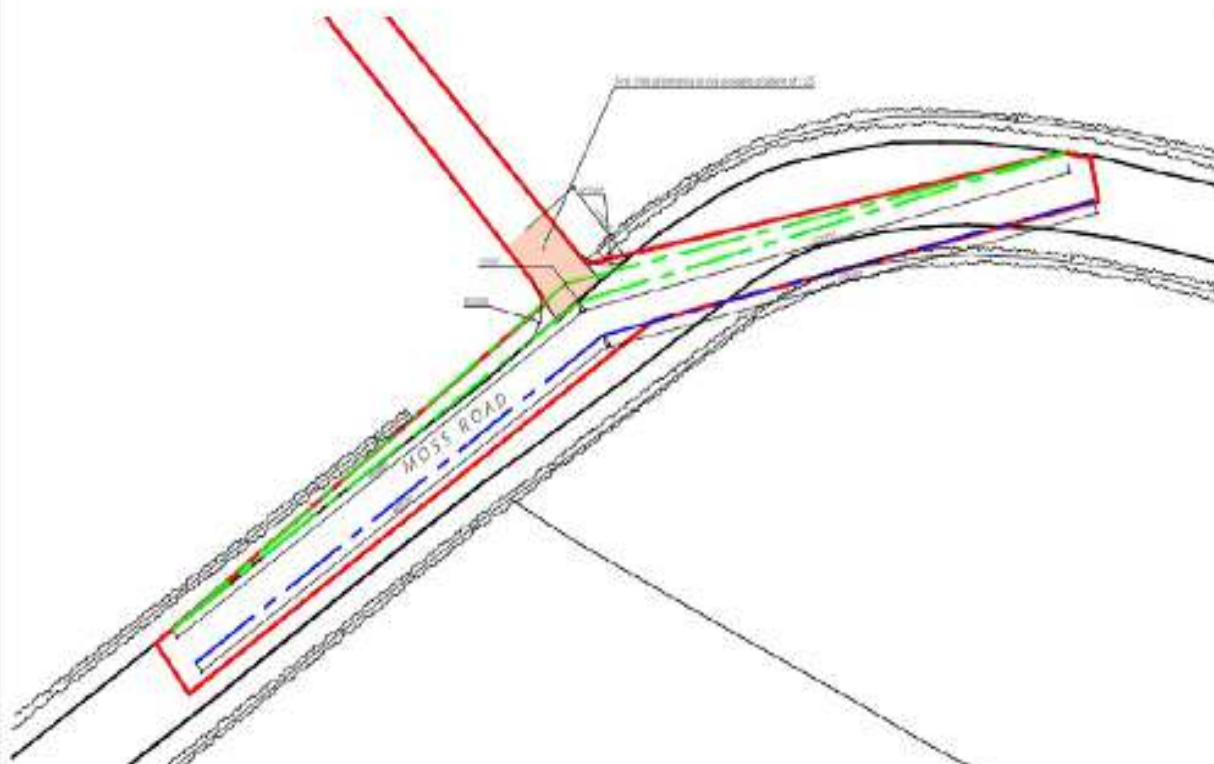
Late into the planning process, the agent submitted supporting documentation to assess the acceptability of various other sites that would cluster with the existing farm and concluded that all sites but this application site were unacceptable for various reasons but mostly relating to the need for engineering works or reducing the opportunity for potential **future** farm expansion. Officers are not satisfied that the information submitted has considered all possible alternative sites and therefore remain of the opinion that the chosen site submitted under this application is unacceptable for the reasons mentioned above.

Policy CTY10 also stipulates that proposals must further meet the requirements of CTY 13, 14 and 16.

CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed dwelling would be single storey with a large rear return.



It is considered to be of an architectural style and design acceptable within the countryside and in keeping with the rural character of the area. Given the setback from the road, there would not be any harmfully overbearing impact in views of the dwelling from Moss Road. The dwelling would make sure of the existing access however this access requires improved splays which would require vegetation clearance of a bank of vegetation opposite as shown below:



This stretch of bank opposite is substantial in height and contains dense hedging. Officers consider that its clearance to a depth of over 3m, as required by DFI Roads, could be harmfully detrimental to the character of this rural area and biodiversity value (priority habitat). The removal of this high bank of hedging would expose a significant difference in land level between the field

behind the hedge and the road and would presumably require some sort of retaining structure to hold back the higher level of the field. No details of this have been provided to enable officers to determine how this would function or appear in views from the road but given that the rest of the road is bounded by dense and mature hedging, its removal and or replacement with a retaining structure would appear quite jarring while travelling along Moss Road and make the proposed development more apparent within the local landscape.



Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where (a) – (e) occur. The development of the site itself would not be unduly prominent (conspicuous) given the setback from the road and screening of vegetation in the foreground. A dwelling on the site itself would not be considered to result in a suburban style build-up of development or create ribbon development. However, as mentioned above, the provision of the necessary ancillary works to provide a safe access in line with DFI Roads requirements would result in a considerable impact upon rural character and be prominent in views along the Moss Road. Given that CTY14 allows for ancillary works to facilitate visibility splays however, this is considered acceptable in this regard.

ACCESS

Policy AMP2 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:

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 were consulted as part of this application and initially responded requesting amendments to be made in relation to forward site distance being included in the red line and the access gradient to be 1:25. Upon receipt of these requested amendments, they responded raising no objection subject to the imposition of conditions with any permission granted.

PPS 2 Policy NH5 - Habitats, species or features of Natural Heritage Importance states that permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. Hedgerows are considered to be a priority habitat. The proposed development would require the removal of a stretch of mature hedgerow along the Moss Road roadside opposite the site entrance in order to facilitate clear visibility splays. This hedgerow at the time of site inspection appeared to be healthy, dense in species and of a substantial age. It also appeared to be required to hold back the field behind it which is on a level greater than the road. No information has been provided to identify compensatory planting as part of the scheme and there has not been any detail submitted to provide clarity on treatment to levels between the field bank and the road side e.g retaining structures. Applicant has not submitted a Biodiversity checklist with the application. Officers have concerns that the impact of these works to facilitate visibility splays will result in a harmful loss of priority habitat, contrary to Policy NH5 of PPS2.

As set out above, while the farm business is active and established, the proposed dwelling siting is not considered to visually link or cluster with associated farm buildings. The proposal is also considered to result in a harmful loss of priority habitat (hedgerow.)

As such, the proposal is therefore recommended for refusal.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Refusal

- Reasons for Refusal:**
1. The proposal fails to comply with the SPPS and PPS 21 CTY10 (c) in that the new building would not be considered to visually link or cluster with an established group of buildings on the farm.
 2. The access works required to facilitate the proposal are considered to result in a harmful loss of priority habitat and therefore fails to accord with PPS 2 NH5 (Habitats, Species or Features of Natural Heritage Importance)

Case Officer Signature: J McMullan	Date: 22 January 2024
Appointed Officer: A.McAlarney	Date: 22 January 2024

Briefing Note



Scottish Provident Building
7 Donegall Square West
Belfast
BT1 6JH

T: 028 9091 8410
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E: admin@pragmaplanning.com

Ref: LA07/2023/2331/F **Date:** 28 February
2024
28 February 2024

Title: Briefing Note for Members

Subject: New Farm Dwelling, Moss Road

This briefing has been prepared to inform Members of the key issues in respect to the application LA07/2023/2331/F, which is scheduled for Planning Committee in March.

There are two key issues involved, these are:

1. A procedural issue in respect to information submitted to update the application and to address one of the draft reasons for refusal.
2. The material considerations in respect to CTY 10 and the applicant's circumstances.

Correspondence regarding both of these has been forwarded to the planning office. They are addressed in turn below.

Procedural Issue Regarding Submission of Further Information

When the case officer's report was issued we noted that one of the reasons for refusal related to the access on Moss Road; however, the farm lane has two entrances with the other being onto the old Saintfield Road. In response to this reason, the agent submitted further information in the form of a revised site location plan that addressed the access issue raised in the report.

Amendments to site location plans are permitted for access purposes and this fell squarely within that procedure. The agent's submission was therefore a formal revision to the planning application.

This revised plan was submitted on 26th January 2024 but was not uploaded, re-advertised and or re-consulted to DfI Roads. We brought this to the attention of the planning officer but the application was not withdrawn from the schedule.

The failure on the part of the planning office to address the revised plan means the wrong drawing will be presented to the Planning Committee. Similarly the revised access location has not been forwarded to Roads Service for comment.

Additionally the public has not been informed of the amendment, nor have any neighbours been notified.

This is a serious procedural breach and there are accordingly good grounds for requesting a deferral to allow the proper process to be followed.

The planning application should be re-advertised, re-neighbour notified and re-consulted with the case officer report amended prior to presentation to the Planning Committee.



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Material Considerations in Relation to CTY 10 and the Applicant's Circumstances

A material consideration is any factor to which the Planning Act requires attention to be paid that could make a difference to the outcome of the application. The weight to be attached to any particular material consideration is a matter for the Planning Committee as the decision maker.

The applicant is in his 60s and intends to retire from farming with his son taking over the farm.

Additionally, at present two households occupy the farmhouse, the applicant's and his son's, totalling 7 people living in a building that is not designed for that number. Consequently, the dwelling is overcrowded. This situation has persisted for seven years and is preventing the applicant from retiring from farming.

Despite retirement dwellings no longer having an express position in policy, the applicant's circumstances are a material consideration as defined by the Courts with the weight to be placed upon that a matter for the Planning Committee as the decision taker.

As a retirement dwelling, it is essential that the new house be sited in a location where it will not impede the efficient economic running of the farm or its future development.

These issues are in addition to the policy issues of CTY 10 which permits a farm dwelling where it meets a number of criteria. These include the new dwelling being sited to cluster with or be visually linked to the farm buildings. The necessity to examine alternative sites is a key part of CTY 10.

We therefore prepared a review of alternative sites and in that review, we firstly identified that:

- The farm consists of a linear group of buildings that run from north-east to south-west across the hillside.
- The proposal sits within this linear group and is visually linked with the buildings on the farm.

CTY 10 requires the proposal to be visually interlinked with the other farm buildings, which it is. CTY 10 also makes allowance for landscaping to separate out sites that would otherwise be closer together, which also occurs in this case.

Finally, CTY 10 permits a degree of separation where there are no sites available and there are firm plans to expand the farm business.

In this case the business is currently being expanded, works are currently on-site so that part of the test is met.

In relation to available alternative sites, we secondly identified a number of alternatives that appeared in two dimensions to cluster with the farm buildings (these are shown in the paper submitted to the planning office):

- Potential site A is located at the only field entrance where it is possible to bring heavy agricultural equipment onto the farm, in this location the laneway providing access is narrow, large vehicles require significant space for manoeuvring and siting a dwelling in this location would prevent such access.
- Potential site B is located west of the farmhouse, on a steeply sloping ground. Significant engineering would be required to construct a dwelling in this position and accessing it would render the entire field unusable for agricultural purposes, harming the economic viability of the farm.
- Potential site C is located north of the farmhouse, again this land is very steep, and access would be required through the farmyard creating clear conflicts with the operational needs of the farm. Additionally, the engineering needed for siting and access requires half of the field it is located in, impeding access from the farmyard into the fields to the north, harming economic viability.
- Potential site D is located north-east of the main farm group. The farm is currently being expanded in this area.

It is clear that all of the potential alternatives are available to be developed, consequently the proposal meets this test, and the application should be approved.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1696/O

Date Received: 20.10.2022

Proposal: Proposed dwelling and detached domestic garage on an infill site.

Location: Approx. 58m East of No. 11 Flagstaff Road, Newry, BT35 8NP.

Site Characteristics & Area Characteristics:

The site includes a roadside portion of a larger agricultural field that is located just outside the development limit for Newry City and within the countryside and designated AONB. The site is above the public road and the remaining land falls quite significantly to the East. The surrounding area is generally agricultural and residential with economic activity also notable. Development pressure is increasing in the area.

Site History:

Application Number: LA07/2020/0815/O

Decision: Permission Granted

Decision Date: 10 September 2020

Proposal: Off site replacement dwelling and detached garage

Application Number: LA07/2021/0191/RM

Decision: Permission Granted

Decision Date: 05 May 2021

Proposal: Off-site replacement dwelling and detached garage

Consultations:

DFI Roads –No objections subject to compliance with attached condition.

NI Water – approval with standard conditions.

Objections & Representations

7 Neighbours notified on 26.01.2023 and the application was advertised on 15th and 16th of November 2022. No objection or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2

Building on Tradition

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 potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The site is located in the countryside / Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections from the Area Plan and decision making is deferred to the retained policies which will be considered below in this report.

Planning Policy Statement 21 – Sustainable Development in the Countryside / Strategic Planning Policy Statement for Northern Ireland

Policy CTY 8 of PPS 21 makes an exception to ribbon development for the development of a small gap site sufficient only to accommodate up to a maximum of two houses provided the dwelling is located within an otherwise substantial and continuously built up frontage and also that it respects the development pattern of the frontage. The definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In terms of the gap to be developed, the agent has advised in his supporting statement that he takes this to be between the closest part of the industrial building (Crilly's Sweets) and the new dwelling immediately west of the site recently constructed. This gap amounts to approximately 87m. However, taking out the Brogies Road section which is obviously undevelopable and measuring the frontage between the corner of the field and the boundary fence of the new build to the west of the site, this leaves a road frontage of approximately 90m. The agent describes the average road frontage to be 37m however this figure must be considerably lower given only the newbuild dwelling immediately west of the site is 36m with the remaining development in the mid-20s according to the additional information sent by the agent. Further west towards Nos 9 and 11 the frontage becomes smaller again.

With the above in mind and a field frontage of 90m at least 3 dwellings at 30m each could be accommodated. A shorter site measurement could be used to give more room to the last dwelling in the corner of the field closest to the Brogies Road. Whilst the agent has ruled out this area and it is accepted that it may not neatly match the other dwellings, a smaller 'L' shaped dwelling could be accommodated with a frontage that matches the surrounding area and a refusal on other matters would prove difficult to justify.

The proposed arrangements that are before the Council leave a frontage of 59m which is considerably above any conceived average along the frontage no matter how generous you apply the mathematics to the frontage. For these reasons, I do not consider the gap to represent a small gap sufficient only to accommodate a maximum of two dwellings.

Considering the site in isolation, it is respectful to the pattern of development in that it is very close to the dimensions of the adjacent new build to the west and considerations around size, scale and siting could be conditioned. The issue for the Planning Dept is that the site must be considered in relation to the whole gap and not in isolation.

The policy notes that the definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The new build dwelling to the west of the site benefits from 2 substantial buildings particularly given the visual appreciation of the garage from the public road. The third building as considered by the agent is the industrial factory further east of the site (Crilly's Sweets). It is the Planning Departments view that the road between Crilly's and the proposed site (Brogies Road) represents a feature that breaks the frontage and therefore the frontage cannot be defined as 'continuous' – rendering the proposal contrary to policy.

The agent contends that this represents a break in the frontage and notes planning reference LA02/2023/1512/O which was an infill dwelling approved in Mid and East Antrim Council. Whilst the retained planning policies are considered province wide (unless a new LDP as been adopted) each Council area is autonomous on how it interprets that policy and similarly are not bound by decisions made by other Council areas. For this reason, the approval of this application does not material affect the decision-making process of Newry Mourne and Down District Council.

Planning Appeal Ref 2017/A0009 an appeal in this Council area and dismissed by the PAC is of particular note which deals specifically with this issue. Quoting from the Commissioner's report he says "Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and continuously (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road". I consider this PAC decision to reflect the ground conditions of the proposed site and consolidates the Planning Authority's position.

The agent has made reference to the visual linkage referred to by the Agent is misplaced in that the test for the exception to ribbon development is not noted as being a visual test within policy. Where a visual test is noted within policy is when defining ribbon development, not the exception to it.

Consequently, as a result of the above, I do not consider the proposal to meet the guidance in Building on Tradition and the exception test of policy CTY 8 and instead would add to the existing ribbon of development along Flagstaff Road. The proposal is also contrary to policy CTY 1 in that it does not meet any of the exceptions listed and there are no overriding reasons why the proposal could not be located within a settlement.

The site benefits from a good back drop of rising land to the rear. Whilst natural boundaries are poor for the site, I have attached weight to the context of the built up surrounding area and the siting of the newbuild dwelling immediately west of the site that has similar site conditions which would also offer a sense of enclosure to one side of the dwelling. On balance I consider the proposal to meet the policy requirements of policy CTY 13.

Whilst I do not consider the proposal prominent in the landscape, the proposal does not meet the exception test of policy CTY 8 and therefore would contribute to build up when considered with the surrounding development and add to ribbon development. For these reasons the proposal is contrary to policy CTY 14 part (b) and (d).

The applicant proposes to use a Septic Tank to deal with foul waste. Any approval notice could be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

Following consultation with DFI Roads, the Department has responded confirming it has no objections to the proposal in relation to PPS 3 subject to compliance with the attached RS1 form. This will form part of a condition for further consideration at RM stage.

Planning Policy Statement 2 – Natural Heritage

As the site lies within the AONB policy NH 6 is engaged. As the proposal does not meet the exception at policy CTY 8 and policy provisions of CTY 14 of PPS 21 I am not content the siting is sympathetic to the special character of the AONB in general and of the particular locality. The scale of the proposal can be conditioned to ensure it is appropriate for the area and will be a matter reserved. The proposal will not impact on features of importance to the character, appearance or heritage of the landscape and materials, design, colour boundaries and architectural styles will be assessed in further detail at RM stage. The proposal is contrary to policy NH 6 part (a).

The proposal has been considered in light of Planning Policy Statement 2 in terms of priority habitats and species. I have considered the site in light of DAERA guidance and conclude there is no perceived adverse impacts on priority species or habitats.

Planning Policy Statement 3 Parking Movement and Access / DCAN 15

DFI Roads was consulted with regard to the above policy and guidance and has confirmed it has no objection to the proposal subject to compliance with the attached RS 1 form to be conditioned and considered in detail at RM stage. For this reason, I am content the proposal is in compliance with PPS 3/ DCAN 15.

Recommendation:

Refusal – supporting statement from agent considered.

Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to a ribbon development along Flagstaff Road and is not considered to represent an exception to the policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the siting would, if permitted be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Ashley Donaldson 11/12/2023

Authorised Officer: Maria Fitzpatrick 12/01/2024

Reference	LA07/2022/1696/O
Location	Land southeast of 11a Flagstaff Road, Newry
Proposal	Proposed infill dwelling and garage

Response to Refusal Reasons

The Planning Department have recommended this application for refusal, on the basis that they consider the gap site large enough to accommodate up to three dwellings, and secondly that the intervening Brogies Road breaks the frontage of the road, therefore resulting in no continuous frontage.

To clarify, whilst the applicant has only applied for one dwelling within the gap site, outlined in red on the presentation, the Department have recommended refusal of the application as they feel the result plot outlined in blue could accommodate 2 more dwellings.

It is our consideration that the overall gap site does comply with policy CTY8, in that there is a substantial and continuously built up frontage comprises of no15a and its outbuilding to the west, with nos.11 and 11a (Crillys Sweets) to the east. The gap within this built up frontage is considered to be a suitable gap site capable of accommodating a maximum of two dwellings whilst respecting the character of the area.

As mentioned, The Department however, have consider that the resultant gap between the proposed application building and no.11a outlined in blue could accommodate an additional two dwellings, therefore resulting in three dwellings overall within the gap site. This is a result of the Department focusing solely on the road frontage width measuring 90m. However this approach fails to take account of other planning judgments, such as size, scale, siting and plot size. The PAC have established in appeal decision 2019/A0173 that "Policy CTY8 is a matter of planning judgement, taking into account what one ascertains on the ground and is **not merely a mathematical exercise, concentrating only on the width of frontage**"

Looking at other the planning judgments to be made, we see that the actual gap site is irregular in shape, and whilst the road frontage measures 90m, this gap site narrows significantly to only 53m along the back of the site. The Department have however used the 90m road frontage figure as a means to justify the refusal of this application on the assumption that an additional smaller 'L' shaped dwelling could fit in the corner of the field. The Case Officer doesn't appear to acknowledge that the gap site narrows to the rear, and instead has tried to shoe-horn a third dwelling into the corner of the field to justify refusing the application.

I feel this is a completely unreasonable approach, as looking at this gap site in the round, it would appear that a third dwelling could not fit into the corner of this field, and if it was pushed into the corner, it would not respect the surrounding pattern of development. The gap site can therefore only accommodate a maximum of 2 dwellings, whilst respecting the development pattern of the area. The resulting plot sizes would be broadly reflective of the surrounding development pattern.

The Architect has helpfully prepared an indicative site layout which shows how the two dwellings would fit on the site. These arrangements are considered to be broadly reflective of the surrounding development pattern, and would conform to the overall thrust of PPS21 CTY8.

The second concern the Department raised was that Brogies Road represented a break in the frontage. The Department referred to a 2017 appeal as justification for this, however this appeal is not considered comparable given that it was initially assessed under a different policy context (CTY2a) and there were only 2no buildings within the continuously built up frontage and contained road which was much wider than Brogies Road.

More recent Appeals have confirmed that even where there is a road/lane within the continuously built up frontage these applications can still be considered compliant with Policy CTY 8. For example, appeal decision **2019/A0038** was refused by the Planning Department as they considered a lane in the frontage to break this frontage up, however the commissioner considered:

"Given that on the ground the buildings presently read as a continuously built up frontage I do not agree with the Council that the access lane to No.75A breaks up this frontage and the appeal site represents a small gap in this frontage. The Councils concerns in this respect are not upheld"

This interpretation is further reinforced by the two appeal sites shown on the screen. As you can see here, there is far more substantial roads within these frontages, however the Commissioners did not feel these represented gaps within their respective frontages, therefore the buildings on either side of the road could be considered as part of the continuously built up frontage.

On the ground, no.11a and its outbuilding, 15a, 15 and 17 Flagstaff Road all read as one continuously built up frontage, therefore the application site is considered compliant with the overall thrust of Policy CTY 8 of PPS21.

As the application is considered a small gap site, suitable to accommodate up to a maximum of two dwellings, the proposal therefore conforms to Policy CTY 8 of PPS21. This in turn results in the application complying with Policies CTY1 and 14 of PPS21 and Policy NH6 of PPS2.

To conclude, we respectfully request the Planning Committee consider the material considerations put forward today, and overturn the case officer recommendation to approve this planning application.

Report to:	Planning Committee
Date of Meeting:	6 March 2024
Subject:	Call for Evidence Response: Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change
Reporting Officer:	Jonathan McGilly, Assistant Director Regeneration
Contact Officer:	Michael McQuiston, Senior Planning Officer

Confirm how this Report should be treated by placing an x in either:-

For decision	<input checked="" type="checkbox"/>	For noting only	<input type="checkbox"/>
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1.0	Purpose and Background
1.1	The purpose of this report is for Members to consider and agree the Council's response to the Department for Infrastructure's (DfI) Call for Evidence to review how its planning policies can help reduce carbon emissions given the climate emergency and the Climate Act (Northern Ireland) 2022.
1.2	The Primary purpose of the Call for Evidence is to engage with stakeholders on the proposed areas of focus for a review of the SPPS and to invite submissions of evidence on the relevant factors that can assist with determining the best way forward. The Call for Evidence document (Appendix 1) was published on 3 January 2024; responses are required to be submitted online (via an online survey link) by close of the consultation period at 5pm on 28 March 2024.
1.3	The Call for Evidence seeks a response to seven consultation questions. A response has been drafted and subject to Members' agreement will be submitted as the Council's response.
2.0	Key Issues
2.1	In June 2022 the Climate Change Act (Northern Ireland) 2022 came into force, setting a target of net zero greenhouse gas emissions by 2050, with interim targets for 2030 and 2040. The Department for Agriculture, Environment and Rural Affairs (DAERA) launched a 16 week public consultation on the 21 June 2023 on the related Carbon Budgets and Views on the Climate Change Committee advise report on the 'The path to a Net Zero Northern Ireland'. This consultation closed on 11 October 2023.
2.2	Members will recall the Planning Committee (28 June 2023) previously considered the Council's response to consultation on the Department for Infrastructure (DfI) draft revised regional Strategic Policy on Renewable and Low Carbon Energy. DfI have advised that work is currently ongoing to finalise the review of regional strategic planning policy on renewable and low carbon energy. In addition to this work DfI recognise that it is important that the policy framework provided by the SPPS is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda and related departmental policies
2.3	DfI have advised that there is, as yet, no firm commitment to undertake a review of the SPPS it will be for the Infrastructure Minister to decide whether or not to review the SPPS and if so what the focus of the review should be. If a decision to review the SPPS is made in the future the information collected from this review will be considered as part of this review.

2.4	<p>The call for evidence focuses on those policies within the SPPS that Dfl consider are most impacted by, and are most relevant to Climate Change;</p> <ul style="list-style-type: none"> • The Purpose of Planning (SPPS para 21.-2.4); • Furthering Sustainable Development, including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services (SPPS para 3.1-3.16); • The Core Planning Principles of the two-tier planning system (SPPS para 4.1-4.40); • Flood Risk (SPPS para 6.99-6.102); • Transportation (SPPS para 6.293-6.305); and • Development in the Countryside (SPPS para 6.61-6.78).
2.5	<p>The Call for Evidence asks for evidence on how and why the Department should update, revise and improve each of these six key policy areas in order to better support the Climate Change agenda. A seventh question then asks for any other evidence on how and why the Department should update, revise and improve the SPPS to better support the Climate Change agenda.</p>
2.6	<p>In responding to the Department's questions the Council response references a range of evidence which includes:</p> <ul style="list-style-type: none"> • Public consultation responses on relevant key issues set out in the NMDDC LDP Preferred Options Paper and subsequent LDP policy direction; • 2021 Census data and population distribution in terms of urban/rural split within NMDDC and the need to support rural communities; • The Sustainability Appraisal undertaken for the NMDDC LDP Plan Strategy and incorporation of a Climate Change objective; • The Environment Act 2021 and the requirement for developers to deliver bio-diversity net gain as a condition of Planning Approval under the Town and Country Planning Act 1990. • Proposed policy approach to sustainable drainage systems within the LDP Plan Strategy subject planning policy suite on Flood Risk and Drainage; and • Proposed policy approach to development in flood plains within the LDP Plan Strategy and the requirement to take account of the latest flood risk modelling incorporating climate change adjustment.
2.7	<p>The call for evidence document sets out seven consultation questions. A response to these questions has been drafted (Appendix 2). Subject to Members' agreement this will be submitted as the Council's response before the consultation closes on the 28th March.</p>
N	Recommendations
3.1	<p>It is recommended that the Planning Committee agree the proposed Council response to the future focused review of the Strategic Planning Policy Statement on the issue of Climate Change.</p>
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)

5.1	<p>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input type="checkbox"/></p>
5.2	<p>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input checked="" type="checkbox"/></p>
5.3	<p>Proposal initiating consultation Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i> <input type="checkbox"/></p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	<p>Appendices</p>
	<ul style="list-style-type: none"> • Appendix 1: Call for Evidence - Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change document. • Appendix 2: Council's response to the Call for Evidence - Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change.
8.0	<p>Background Documents</p>
	<ul style="list-style-type: none"> • Strategic Planning Policy Statement https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/SPPS.pdf



Department for
Infrastructure

An Roinn

Bonneagair

Deapartment fur

Infrastructure

www.infrastructure-ni.gov.uk

Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change

A Call for Evidence

Issued: 3 January 2024

Respond by: 28 March 2024

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1. Introduction

- 1.1 The Department for Infrastructure (DfI) is responsible for the maintenance, development and planning of critical infrastructure in Northern Ireland. With its focus on water, transport, and planning, the Department seeks to manage and protect over £37bn of public assets that improve people's quality of life, reduce our impact on the planet by living sustainably and decarbonising key services, and build prosperity by driving inclusive productivity. Whilst this Call for Evidence is specifically focused on the Department's regional strategic planning policy (the Strategic Planning Policy Statement, SPPS) it is nonetheless set within this wider Departmental context.

Water (Flood Risk Management)

- 1.2 DfI is responsible for, inter alia, the management of flood risk which includes the maintenance of our river and sea defences, construction of flood alleviation schemes, informing development decisions and developing flood maps. Approximately 5% of properties here are in areas at risk from flooding, which is set to increase by 33% to 59,800 when 2080 Climate Change projections are taken into consideration. DfI is also the lead government department for the strategic coordination of the emergency response to severe weather events, including flooding, emergency planning and processes, which are developed in conjunction with our multi-agency partners.

Transport

- 1.3 In addition, the Department is responsible for the oversight and facilitation of surface transport in the region. The main tools for the delivery of the Department's transport vision are the development of transport strategy and policy and related transport plans, the management of the road network asset (including the promotion of road safety) and providing funding and sponsorship of Translink which delivers the public transport network.

Planning

- 1.4 The Department is also responsible for the strategic direction and production of regional strategic policy for land use planning, planning legislation, processing a small number of regionally significant planning applications and those applications which may be 'called in'. It has a statutory consultee role for roads and rivers to provide specialist advice in relation to the consideration of planning applications by councils.
- 1.5 DfI also works together with councils in managing the two-tier planning system and has a statutory consultee and an oversight role in the preparation of local development plans (LDPs) which set out councils' long-term visions, objectives, and growth over the plan period. The Department, together with local government

and stakeholders, is also taking forward a Planning Improvement Programme (PIP) with the objective of improving the effectiveness and efficiency of the regional planning system.

- 1.6 There is no doubt that the operating environment, including a constrained resource budget for the delivery of the Department's functions, remains very challenging. By focusing on water, transport and planning the Department is clear on the current state of our infrastructure in these key areas, what we need to do, why we need to do it and how we will prioritise the finite public resources available to address the issues within each delivery area.

Climate Change

- 1.7 In June 2022 the Climate Change Act (Northern Ireland) 2022 (CCA) came into force, setting a target of net zero greenhouse gas emissions by 2050, with interim targets for 2030 and 2040. These ambitious targets, set out in the CCA represent a decisive change in Northern Ireland's approach to the climate crisis, requiring an immediate step change in all our sectors' activities to achieve this. The Department for Agriculture, Environment and Rural Affairs (DAERA) launched a 16-week public consultation on 21 June 2023 on the related Carbon Budgets and sought views on the Climate Change Committee (CCC) advice report on 'The path to a Net Zero Northern Ireland'. The consultation closed on 11 October 2023. (<https://www.daera-ni.gov.uk/consultations/carbonbudget>).
- 1.8 DAERA also intends to consult on the first Climate Action Plan and the recent consultation on Carbon Budgets will help to inform that process. The legislation also requires DfI to put in place a transport sectoral plan and an infrastructure sectoral plan for combatting Climate Change. The infrastructure sectoral plan must include policies and proposals for planning and construction, while the transport sectoral plan must include policies and proposals for public and private transport. Significant cross public sector collaboration will continue to be required over the coming months to put in place the mechanisms which will ensure compliance with the CCA and support the delivery of the related strategies including those on Green Growth, Energy, Clean Air and Nature Recovery Strategies etc.

Implications for the SPPS

- 1.9 It is widely recognised that the planning system has a key role to play in guiding, encouraging, and promoting a more sustainable and integrated approach to land use and infrastructure development and in looking for innovative and locally agreed solutions to the challenges we will continue to face in terms of Climate Change. Beyond the ongoing work to finalise the review of regional strategic planning policy on renewable and low carbon energy, it is important that the policy framework provided for by the Strategic Planning Policy Statement (the SPPS) is fit for purpose and suitably future proofed to appropriately support the Climate

Change agenda and related departmental priorities going forward.

- 1.10 It is within this context that the Department is undertaking a 'Call for Evidence' on a potential focused review of the [Strategic Planning Policy Statement](#) on the issue of Climate Change. The primary purpose of the Call for Evidence is to engage with stakeholders on the proposed areas of focus for a review of the SPPS and to invite the submission of evidence on the relevant factors that can assist with determining the best way forward.
- 1.11 The information gathered through the Call for Evidence will be considered by the Department and will help inform any decision by a future Infrastructure Minister on a review of the SPPS and the options for it. Should there be an absence of ministers, a decision on the way forward will be considered in light of the decision-making legislation in place at that time.

2. How to Respond

- 2.1 This Call for Evidence engagement is being facilitated by means of the Citizen Space Hub, which can be accessed via the following weblink:
www.infrastructure-ni.gov.uk/consultations/call-evidence-future-focused-review-SPPS-climate-change
- 2.2 This is the primary means of responding to the consultation. However, respondents may also reply by e-mail to: sppsteam@infrastructure-ni.gov.uk
- 2.3 When responding please provide the following information:
- your name,
 - contact details (preferably email),
 - the organisation you represent (if applicable), and
 - your main area of interest (Academic/NGOs; Business and Industry; Community/Resident/Voluntary Organisations; Environmental; Local Government; Professional Bodies; Individuals).
- 2.4 The consultation will run for **from 3 January 2024 to 28 March 2024**.
- 2.5 Responses must be submitted **by 5.00pm Thursday 28 March 2024**. Comments after this deadline will not be accepted.
- 2.6 **All responses to this Call for Evidence should be made electronically.**

3. Freedom of Information Act 2000: Confidentiality of Responses

- 3.1 The Department for Infrastructure (Dfi) may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the Dfi website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.
- 3.2 The Freedom of Information Act 2000 and Environmental Information Regulations 2004 give the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication, including information about your identity, should be made public or treated as confidential. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
 - the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
 - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
- 3.3 The information you provide in your response, excluding personal information, may be published, or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR). Any personal information you provide will be handled in accordance with the UK-GDPR and will not be published. If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA or EIR, we cannot guarantee confidentiality.

For information regarding your personal data, please refer to the Dfi Privacy Notice at www.infrastructure-ni.gov.uk/dfi-privacy.

For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

4. Background

- 4.1 The Strategic Planning Policy Statement (the SPPS) 'Planning for Sustainable Development' was published in September 2015, following Executive Committee agreement. It has a statutory basis under Part 1 of the Planning Act (Northern Ireland) 2011 and the SPPS is judged to be in general conformity with the Regional Development Strategy 2035 (the RDS).
- 4.2 The provisions of the SPPS apply to whole of Northern Ireland. They must be taken into account in the preparation of LDPs and are material to all decisions on individual planning applications and appeals.
- 4.3 Whilst the SPPS and the planning system has the objective of furthering sustainable development at its heart, there has been much contextual change in the period following its publication, particularly with regards to the wider efforts of government in seeking to address the challenges presented by a changing climate.
- 4.4 Since the SPPS was published in 2015, tackling Climate Change has become a legislative requirement and it is a priority consideration in the context of the work and functions of DfI, other departments and the wider public sector.

5. Why undertake a Call for Evidence?

The Climate Emergency

- 5.1 As noted in the introduction, the Department has a vast and wide-ranging remit in relation to water, transport, and planning. Its responsibilities include:
 - regional strategic planning policy, legislation and promoting good place-making, including acting as the planning authority for regionally significant planning applications and overseeing the effectiveness of the two-tier planning process that came into effect in 2015;
 - policy and legislation for water, reservoirs and sewerage including discharging the Department's responsibilities, including as shareholder, for oversight of NI Water;
 - responsibility for rivers and drainage policy and legislation and for supporting the work of the Drainage Council;
 - the assessment and management of flood risk and lead department responsibilities for the emergency response to flooding and other severe weather incidents;

- almost all aspects of surface transport policy including public transport, promotion of active and sustainable travel, the development and implementation of a transport strategy and the provision, management, and maintenance of all public roads; and
- being a statutory consultee in the planning process in relation to rivers and roads matters.

5.2 Within the context of the climate emergency and the CCA, the Department is looking at how its policies can contribute to emission reduction in our carbon budgets as we chart the path to net zero by 2050. The following departmental work streams are of particular relevance in the context of Climate Change.

Water (Flood Risk Management)

- 5.3 More frequent and extreme weather events are indicative of our changing climate. Such occurrences demonstrate dramatically just how vulnerable Northern Ireland's built and natural environment is to extremes of climate variables (e.g. temperature/heatwaves; wind/storms; precipitation/floods; and sea levels/surges). These events, particularly flooding events, present increased disruption to and stress on our infrastructure networks and services including drainage, sewerage, digital, energy, road and rail infrastructure, water resources and can impact on the economy, environment, and communities more widely, as evidenced by recent flooding events.
- 5.4 The most effective method of managing flood risk is to mitigate, insofar as possible, the risk occurring in the first place. A key area of the Department's work is to advise council planning authorities in relation to flood risk for proposed new development. This is done through its role as a statutory consultee in the planning process, having regard to the SPPS.

Transport

- 5.5 Transport has been identified as a key sector that will be required to decarbonise by 2050 in order to help manage Climate Change. In response, the Department is developing a new 'Transport Strategy for Northern Ireland' (TSNI) which will set the new approach for the transport system as we embark on a transformative journey to net zero carbon emissions by 2050.
- 5.6 This strategy is being developed around four high level strategic priorities for transport that will shape and influence the planning, design, and operation of the transport network, so that it is resilient and sustainable; supports green growth; is safe and healthy; and supports connected and inclusive communities.
- 5.7 In addition, a suite of transport plans are being developed in an integrated manner with local councils in the development of their LDPs. These transport plans will

set out the framework for transport policy and investment decisions up until 2035. The plans will build on the priorities set out in the TSNI and describe the future development of our road, public transport, and active travel networks.

Planning

- 5.8** Beyond the ongoing work to finalise the review of regional strategic planning policy for renewable and low carbon energy, it is important to consider the current policy framework provided for by the SPPS in relation to Climate Change and if this remains appropriate. This includes ensuring that the regional strategic planning policy framework keeps pace with changes to the context for, and approach to, the delivery of the Department's wider functions on water (flood risk) and transport.
- 5.9** Where appropriate, regional strategic planning policy can also lend support to the implementation of policy developed by other departments where there is a strong interface with the planning system. However, it would not be appropriate for DfI to assume lead policy development responsibility for matters that are the responsibility of other departments.
- 5.10** In order to deliver for the economy, communities and the environment, the Department is committed to ensuring that the planning system operates in an efficient and effective way and plays its part in assisting the wider efforts of government in addressing Climate Change.

6. Purpose and Scope

- 6.1** This Call for Evidence is part of the process of gathering the necessary information to inform a potential focused review of the SPPS in relation to Climate Change and the options and scope for any such review.
- 6.2** Should the outcome of this Call for Evidence lead to a decision to formally review the SPPS, such a focused review could seek to update and bring forward new and revised policy provisions on Climate Change on:
- The Purpose of Planning,
 - Furthering Sustainable Development (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services), and
 - The Core Planning Principles of the two-tier planning system.
- 6.3** A focused review could also encompass a fresh look at the appropriateness of extant policy provisions on flood risk, transportation, and development in the countryside, given these are three key policy areas which are impacted by Climate Change (in addition to the review of regional strategic planning policy on

renewable and low carbon energy which is already being progressed).

- 6.4 The Department is particularly keen to hear views and gather evidence in respect of the above-mentioned matters. Nonetheless, there may be evidence in relation to other aspects of the SPPS that you may wish to comment on that might assist the Department with determining the appropriate way forward in addressing Climate Change within the SPPS.
- 6.5 The policy areas outlined in this CfE are considered to reflect how and where the Department can optimise the impact of any focused review of the SPPS in responding to the challenges of a changing climate.

7. The Purpose of Planning

- 7.1 The objective of the planning system, consistent with Part 1, Section 1 of the Planning Act (Northern Ireland) 2011, is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. The SPPS states that this means the planning system should positively and proactively facilitate development that contributes to a more socially, economically, and environmentally sustainable Northern Ireland. Planning authorities¹ should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.
- 7.2 For the existing policy provisions of 'The Purpose of Planning' please see paragraphs 2.1 – 2.4 of the [Strategic Planning Policy Statement](#)

QUESTION 1: Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.

8. Furthering Sustainable Development

- 8.1 The objective of furthering sustainable development lies at the heart of the SPPS and the planning system. The key guiding principles for planning in Northern Ireland are contained within the SPPS. It currently recognises the need to mitigate and adapt to Climate Change and the positive part the planning system plays in

¹ Planning authorities can encompass district councils (in their role as local planning authorities), the Department for Infrastructure and the Planning Appeals Commission (PAC).

seeking to halt the loss of biodiversity and ecosystem services.

- 8.2 In addition, the SPPS seeks to ensure the planning system contributes to a reduction in energy and water usage and helps to reduce greenhouse gas emissions by continuing to support growth in renewable energy sources, as well as promoting development where it reduces the need for private motorised travel. The promotion of high quality and good design is also emphasised, and in terms of seeking to address the nature crisis, working towards the restoration of and halting the loss of biodiversity is noted, as is the conservation of soil and bog lands. In recognition of the challenges of Climate Change, managing development to safeguard against water pollution, flooding and securing improvements in water quality are also addressed.
- 8.3 Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development.
- 8.4 The SPPS outlines that in formulating policies and plans and in determining planning applications, planning authorities should be guided by the precautionary approach that where there are significant risks of damage to the environment, its protection will generally be paramount unless there are imperative reasons of overriding public interest.

Mitigating and Adapting to Climate Change

- 8.5 The SPPS currently recognises that a central challenge in furthering sustainable development is mitigating and adapting to Climate Change. It identifies a number of measures that the planning system can consider in this regard.

The Importance of Ecosystem Services

- 8.6 The SPPS also stresses the importance of ecosystem services. It highlights the benefits that a good quality environment can provide not only in terms of economic performance but also by improving resilience to Climate Change. For example, trees and other green infrastructure provide important ecosystem services that reduce the effects of flooding and the urban heat island, a phenomenon that occurs when urban areas experience higher air temperatures than the surrounding rural area.
- 8.7 For the full 'Furthering Sustainable Development' text please see paragraphs 3.1 – 3.16 of the [Strategic Planning Policy Statement](#)

QUESTION 2: *Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the*

Climate Change agenda? Please detail.

9. Core Planning Principles

- 9.1 The SPPS supports 5 'Core Planning Principles' that are fundamental to the achievement of sustainable development, which are: 'Improving Health and Well-Being'; 'Creating and Enhancing Shared Space'; 'Supporting Sustainable Economic Growth'; 'Supporting Good Design and Positive Place-Making'; and 'Preserving and Improving the Built and Natural Environment'. Four of these are particularly relevant to Climate Change and are summarised below.

Improving Health and Well-Being

- 9.2 The SPPS directs that when plan-making and decision-taking, planning authorities should contribute positively to health and well-being through actions, such as: encouraging and supporting quality, environmentally sustainable design; providing better connected communities with safe pedestrian environments; ensuring better integration between land-use planning and transport; and facilitating the protection and provision of green and blue infrastructure.
- 9.3 In addition, the value of networks of green infrastructure in providing a wide range of environmental benefits including flood water storage, urban cooling, improved air quality and habitats for wildlife are highlighted. It is recognised that green infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities. The SPPS also draws attention to the wide range of environment and amenity considerations, including air quality, which should be taken into account by planning authorities when proposing policies or managing development.

Supporting Sustainable Economic Growth

- 9.4 The SPPS supports sustainable economic growth. Our environment is identified as an asset for economic growth in its own right and in line with the Department's vision for a 'sustainable future', the SPPS requires planning authorities to encourage proposals that make an important contribution to sustainable economic growth whilst also carefully balancing the protection and enhancement of the quality of the natural and built environment.

Supporting Good Design and Positive Place-Making

- 9.5 Another core planning principle which encourages the need to mitigate and adapt to Climate Change is that of 'supporting good design and positive place-making'. The SPPS accepts that good design furthers sustainable development and encourages healthier living; promotes accessibility and inclusivity; and contributes to how safe places are and feel.

- 9.6 The SPPS recognises that design is not limited to the appearance of a building or place but that it should encompass how buildings and places function in use over the lifetime of a development. To assist in helping to tackle the impacts of Climate Change, it is stressed that 'design' should consider and address, for example, how a development can minimise energy, water usage and CO2 emissions. Landscape design and planting considerations are also outlined as an integral part of design which can contribute to biodiversity.

Preserving and Improving the Built and Natural Environment

- 9.7 This core planning principle seeks to ensure that the environment is managed in a sustainable manner in order to safeguard our landscape and its heritage assets, preserving and improving the natural and built environment and halting the loss of biodiversity. An integrated approach to the management of the natural and cultural aspects of the landscape is advocated as is the important role of the planning system in conserving, protecting, and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society.
- 9.8 The SPPS considers that the importance of the environment, however, goes far beyond the immediate benefits it can provide with it being noted that safeguarding our unique landscape (including heritage assets) and biological diversity will also makes an important contribution to the protection of the wider global ecosystem.
- 9.9 For the full 'Core Planning Principles' text please see paragraphs 4.1 – 4.40 of the [Strategic Planning Policy Statement](#)

QUESTION 3: Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.

10. Subject Policies

- 10.1 The SPPS makes it clear that the objective of furthering sustainable development and the supporting core planning principles that give expression to it should be applied to both plan-making and decision-taking, along with the relevant subject policies. It is clarified that the SPPS should be read and applied as a whole (SPPS para 5.9). As set out at Part 6 above, the Department considers it appropriate to focus on the following three subject policies within the SPPS.

Flood Risk

- 10.2 The Department is the competent authority for The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 and has overall responsibility for

flood risk management in the region (see para. 5.3). Flooding is recognised as one of the primary risks to people, property and the environment arising from a changing climate in Northern Ireland. As mentioned earlier in this document, we have experienced and should expect more frequent and extreme weather events. This is reinforced by the latest evidence by the Climate Change Committee (CCRA3 published 2021).

- 10.3** It is accepted that more needs to be done and in this regard the Department is progressing a number of initiatives. For example, existing 'Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland' (published 2019), is currently based on UK Climate Projections (UKCP09) information. This guidance is used for flood risk management and development planning purposes (primarily in respect of allowances for increased sea level rise, river flows and rainfall intensities) and assists DfI in its role as a statutory consultee in the planning system. However, 2018 UK Climate Projections (UKCP18) information is now available, and the Department is currently considering updates to the abovementioned guidance in this regard.
- 10.4** The Department also provides advice to councils on the drainage/flood risk aspects of emerging draft LDP documents. This advice is informed by a suite of flood maps, including Climate Change mapping developed by the Department and produced in accordance with the requirements of The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. These maps have been prepared for areas that have been determined by government to be at significant risk of flooding and were an important step in development of flood risk management plans for these areas. A key aim of the flood maps is to increase awareness among the general public, councils (including planning authorities) and other organisations, of the likelihood of flooding and to recommend that all stakeholders take appropriate action to manage flood risk.
- 10.5** Information relating to flood mapping and Climate Change can be found online at: [Flood Maps NI | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/flood-maps-ni)
- 10.6** As Climate Change predictions indicate there is likely to be an increase in the existing floodplain outlines, developers should be aware of the available Climate Change flood mapping and the expected future changes. The Department's capital flood alleviation schemes are also designed with Climate Change factors taken into consideration.
- 10.7** The Department is also developing preparatory work towards the provision of legislation which will enable it to introduce future arrangements, if funded to do so, to encourage developers to use Sustainable Drainage Systems (SuDS) as the preferred drainage solution in new developments. These arrangements which would require further consultation in due course may propose to detail how SuDS can be approved as part of a potential approval process for developments and requirements for their ongoing long-term maintenance. SuDS can assist in the

management of flood and pollution risks from excess water and can benefit water quality, biodiversity, health, and public amenity.

- 10.8** It is therefore recognised that the SPPS and the planning system have an important role to play in supporting the wider efforts of government in supporting flood risk management. An established approach has been to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. The SPPS, therefore, currently provides that, in all but the most exceptional circumstances, new development is not located within the flood plains of rivers or the sea where it may be at risk or increase the risk of flooding in the locality.
- 10.9** The current definition of a flood plain contained in the SPPS does not include an allowance for Climate Change. Whilst DfI Rivers, in its role as statutory consultee, will continue to provide advice taking into account the latest information on flood risk (including for Climate Change) it is recognised that updating the definition of a flood plain in the SPPS can provide further policy backing to support decision making by planning authorities.
- 10.10** The SPPS also recognises that the planning system should help to mitigate and adapt to Climate Change by working with natural environmental processes, for example through promoting the development of green infrastructure and also the use of SuDS to reduce flood risk and improve water quality.
- 10.11** For the existing policy provisions in relation to 'Flood Risk' please see paragraphs 6.99 – 6.132 of the [Strategic Planning Policy Statement](#)

QUESTION 4: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Transportation

- 10.12** The Department is the roads authority for Northern Ireland with responsibility for almost all aspects of transport policy including public transport, promotion of active and sustainable travel, the development and implementation of a transport strategy, transport plans and the provision, management and maintenance of the road network as well as delivering wider transport projects. In addition, the Department is a statutory consultee in the planning process in relation to roads related matters.
- 10.13** As the second largest contributor to carbon emissions, the transport sector and particularly its surface transport, needs to play a critical role in responding to the climate emergency. The CCA places a clear responsibility on the Department to decarbonise the transportation sector. As previously mentioned, the Department

is currently bringing forward a Transport Strategy (TSNI) that will set out its new approach for the transport system up to 2035. The strategy aims to provide a clear framework for action which will facilitate implementation of a range of decarbonisation initiatives.

- 10.14** The planning system has an important role to play in supporting the priorities set out in the TSNI and the Department will aim to ensure that the regional strategic planning policies within the SPPS, planning guidance in [Living Places](#), and council LDPs continue to help improve connectivity, promote more sustainable transport patterns and support the decarbonisation of the transport sector.
- 10.15** Going forward, the planning system could potentially improve the alignment of transport planning in Northern Ireland with the climate targets outlined in the CCA and help support the 'Hierarchy in Reducing the Carbon Impact of Transport'. This hierarchy is focused on reducing the number and length of trips; increasing a shift of modes from the use of the private car to public transport and active travel; and a switch to more sustainable fuels.
- 10.16** Within this context the Department is focused on encouraging and prioritising low-carbon transport options, such as:
- **Transport Demand Management:** measures that help manage and reduce travel demand, such as flexible working arrangements, tele-commuting, and further promotion of cycling and walking for short-distance trips,
 - **Active Travel Infrastructure:** enhancing the focus on active travel (cycling and walking) by allocating more space for cycle paths, pedestrian zones, and implementing measures to improve safety and accessibility for non-motorised transport modes,
 - **Sustainable Transport Networks:** ensuring that transport planning focuses on developing sustainable transport networks that minimise carbon emissions, such as investing in efficient public transport systems, promoting shared mobility services, and integrating different modes of transport, and
 - **Monitoring and Reporting:** implementing monitoring mechanisms to regularly assess the progress and impact of transport-related Climate Change targets.
- 10.17** The SPPS was introduced in 2015 in the context of the 'Regional Transportation Strategy for Northern Ireland' for the period 2002-2012, and the subsequent document 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation', published in March 2012.
- 10.18** In respect of transportation, the SPPS seeks to support a 'modal shift' by promoting sustainable forms of development that reduce the need for motorised transport and encourages opportunities for active travel and travel by public transport in preference to the private car.

- 10.19** It also recognises that the preparation of a LDP provides the opportunity to assess the transport needs, problems and opportunities within the plan area and that appropriate consideration be given to transportation issues in the allocation of land for future development, including appropriate integration between transport modes and land use. Policy specifies that LDPs should identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes.
- 10.20** Any review of the SPPS in relation to Climate Change should take account of the new approach for transport infrastructure planning and delivery of transport infrastructure services across Northern Ireland.
- 10.21** The planning system can play a positive role in supporting the decarbonisation of transportation. It can promote more sustainable transportation for a greener and more resilient future. The review provides the opportunity to ensure that the subject planning policy for transportation remains up to date and fit for purpose for plan-making and decision-taking. For example, it could consider how regional strategic planning policy can best support and integrate active travel infrastructure and use, deliver sustainable patterns of development that reduce the need to travel and encourage travel by greener modes of travel that minimise carbon emissions.
- 10.22** For the existing policy provisions in relation to 'Transportation' please see paragraphs 6.293 – 6.305 of the [Strategic Planning Policy Statement](#)

QUESTION 5: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Development in the Countryside

- 10.23** It is recognised that there are wide variations across Northern Ireland in terms of the economic, social and environmental characteristics of rural areas and that Northern Ireland is characterised by a distinct dispersed rural settlement pattern.
- 10.24** Given the declaration of a climate emergency and the challenges in delivering on the ambitions of the CCA, the Department is considering whether the current approach to new development in the countryside remains appropriate. The role and function of rural settlements and accessibility to existing services and infrastructure is also important.
- 10.25** The aim of the SPPS in relation to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities, consistent with the RDS. The policy approach is to cluster, consolidate, and group

new development with existing established buildings, and promote the re-use of previously used buildings.

- 10.26** The current policy provides a wide range of opportunities for development in the countryside including new dwellings in existing clusters; replacement dwellings; dwellings on farms; dwellings for non-agricultural business enterprises; infill development; the conversion and reuse of existing buildings; and a dwelling where there are personal and domestic circumstances. Additional opportunities are provided for a temporary caravan; social and affordable housing development; and non-residential development including farm diversification; agriculture and forestry development; and the conversion and reuse of existing buildings for non-residential use.
- 10.27** For the existing policy provisions in relation to 'Development in the Countryside' please see paragraphs 6.61 – 6.75 of the [Strategic Planning Policy Statement](#)

QUESTION 6: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Other Matters

- 10.28** As per paragraphs 6.4 and 6.5 above, the Department is particularly keen to hear views and gather evidence in response to Questions 1-6. However, the Department recognises that there may be comments/evidence in relation to other aspects of the SPPS that you may wish to comment on in relation to Climate Change that might assist the Department with determining the most appropriate way forward.

QUESTION 7: *In light of the declared climate emergency and the requirements of The Climate Change Act (Northern Ireland) 2022, can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.*

11. Summary of Questions

- 1) *Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.*
- 2) *Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the Climate Change agenda? Please detail.*
- 3) *Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.*
- 4) *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*
- 5) *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*
- 6) *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*
- 7) *In light of the declared climate emergency and the requirements of The Climate Change Act (Northern Ireland) 2022, can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.*

12. Next Steps

- 12.1** Responses to this Call for Evidence should be made to the Department by:
5.00pm, Thursday 28 March 2024.
- 12.2** The information gathered, as a result of this Call for Evidence will be considered by the Department and will help inform any potential focused review of the SPPS in relation to Climate Change.
- 12.3** Depending, in part, upon the evidence received, the consideration and scope of any potential review will be refined to focus on the key issues and/or if further research should be undertaken. Any necessary revisions to regional strategic planning policy will follow the normal policy development process and would involve the preparation of a draft policy proposal which would be subject to full public consultation.

Regional Planning Policy and Casework
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Appendix 2

Call for Evidence Questions

Q1: Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.

Answer 1: It is acknowledged that paragraph 2.1 of the SPPS states that the planning system should "*facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland*" and paragraph 2.2 states that the planning system at a local level contributes to the "*shaping high quality sustainable places.*" The planning system in delivering sustainable development will be supporting the Climate Change agenda, however rather than this being implicit as currently set out this section the wording should be revised to explicitly reference the role of planning in addressing Climate Change.

Within the National Planning Policy Framework for England it is stated "*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*"

The 'Purpose of Planning' section should be updated and revised to specifically address Climate Change, emphasising the importance of green infrastructure, sustainable development and low carbon practices in the planning process and their role in contributing to the targets set out in the Climate Change (Northern Ireland) Act 2022.

Q2: Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the Climate Change agenda? Please detail.

Answer 2: The lack of evidence to inform any updating and revising of the SPPS is a key issue in itself. Sustainability NI have highlighted the importance of producing local climate impact assessments, once produced these assessments could form the basis for incorporating climate considerations into planning objectives, ensuring that developments are resilient to future climate conditions. Data covering rising temperatures, sea-level changes, extreme weather events etc can help to inform planning policy formulation. NMDDC agree with Sustainable NI that there is a need to identify a list of key data that will inform the planning process and how this data will be gathered.

The SPPS must not simply push the burden for undertaking data gathering and analysis onto already under resourced Councils. There must be a shared responsibility with Department for Agriculture, Environment and Rural Affairs (DAERA) and Department for Infrastructure (DFI) taking the lead.

A review of this section should consider the extensive use of the word "Promoting" and whether there should be stronger language, with a requirement to deliver on a range of initiatives that will support the climate change agenda. The SPPS wording needs to be more robust in conjunction with the introduction of specific targets to increase delivery of sustainable design solutions and site services. There is also a need to clearly set out indicators for measuring performance and transformational change. A lack of data and indicators may make it impossible to assess progress towards the target of net zero by 2050.

Habitat loss is a factor that reduces resilience to climate change. In England Biodiversity Net Gain has become mandatory as of 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers in England are now required to deliver at least a 10% increase in biodiversity value relative to pre-development. Consideration should be given to the introduction of a target for bio-diversity net gain as part of a range of measures to further sustainable development.

Whilst not yet published draft policy within the NMDDC LDP Plan Strategy will seek to achieve bio-diversity net gain in all developments.

The legislative requirement to undertake a Sustainability Appraisal on LDPs Plan Strategy and Local Policies Plan are set out in Sections 8(6) and 9(7) of the Planning Act (Northern Ireland) 2011. Council's LDPs are also required to comply with the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.

The NMDDC LDP Plan Strategy draft policies have been subject to a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA). This has involved assessing all draft LDP policies against 14 social, economic and environmental objectives. Sustainability objective 10 specifically tested draft policy provision against reducing the causes of and adapting to Climate Change.

The SPPS acknowledges that the SA within the LDP process will assist in consideration of ecosystem service. This acknowledgement should be wider, with a recognition that the SA process tests all policies within the LDP and consequently can help to ensure that these policies will have a positive contribution to the Climate Change agenda.

Q3: Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.

Answer 3: Four of the core planning principles relate to Climate Change, however none refer specifically to the installation of renewable and low carbon energy technologies, given the critical role that the decarbonisation of energy will play towards the achievement of Net Zero it is suggested that consideration be given to the insertion of an additional principle relating to this area.

The other principles should also be amended accordingly to make reference to decarbonisation. For example the move to Renewable Energy for power generation and for transport will reduce air pollution and will therefore contribute to improved health and well-being for everyone in Northern Ireland. While "Supporting Good Design and Positive Place Making" should require the incorporation of zero carbon technologies into all new developments and "Preserving the Natural and Built Environment" should aim to achieve the sympathetic retrofit of heritage buildings to improve their energy efficiency, and recognition that protected landscapes should not be adversely affected by renewable energy installations.

Q4: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

At para 10.7 it is stated: *"The Department is also developing preparatory work towards the provision of legislation which will enable it to introduce future arrangements, if funded to do so, to encourage developers to use Sustainable Drainage Systems (SuDS) as the preferred drainage solution in new developments."*

Answer 4a: NMDDC are seeking to go above and beyond simply 'encouraging'. NMDDC POP Key Issue 24 – Flood Risk Management outlined the Council's preferred option for making SuDS a requirement. The majority of respondents on this issue, both public and statutory, supported the Council approach.

Whilst not yet published draft policy within the LDP Plan Strategy will require a sustainable drainage system to be brought forward for all development that requires the submission of a Drainage Assessment. The Council does not consider it is sufficient to simply 'encourage' the use of SuDS within the SPPS.

At para 10.8 it is stated *"It is therefore recognised that the SPPS and the planning system have an important role to play in supporting the wider efforts of government in supporting flood risk management. An established approach has been to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. The SPPS, therefore, currently provides that, in all but the most exceptional circumstances, new development is not located within the flood plains of rivers or the sea where it may be at risk or increase the risk of flooding in the locality."*

Answer 4b: The precautionary approach towards development in the flood prone areas in line with the SPPS was set out in NMDDC POP Key Issue 24 and was supported by respondents. Council have no evidence to suggest that an alternative approach to that currently set out in the SPPS should be considered.

At para 10.9 it is stated: *"The current definition of a flood plain contained in the SPPS does not include an allowance for Climate Change. Whilst DfI Rivers, in its role as statutory consultee, will continue to provide advice taking into account the latest information on flood risk (including for Climate Change) it is recognised that updating the definition of a flood plain in the SPPS can provide further policy backing to support decision making by planning authorities."*

Answer 4c: In developing the Councils planning policy to address development within floodplains the Council has undertaken extensive engagement with DfI Rivers. Following on from this engagement the Council is bringing forward a definition of a flood plain, within its flood plain policy, that incorporates latest flood risk modelling plus the latest climate change prediction. Consequently Council policy is going further than current wording set out in the SPPS. This policy approach should be reflected in any revision and update to the SPPS wording.

Q5: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

At para 10.18 it is stated *"In respect of transportation, the SPPS seeks to support a 'modal shift' by promoting sustainable forms of development that reduce the need for motorised transport and encourages opportunities for active travel and travel by public transport in preference to the private car."*

Answer 5a: NISRA defines settlements as being urban or rural based on a threshold of 5,000 population¹. The population of NMDDC at the time of the 2021 Census was 182,074 with an approximate urban/rural split of 38% urban and 62% rural. The NIHE Rural Strategy² highlights the inequality that rural households face in accessing public transport:

- Access to public transport in rural areas is much lower than that in towns and cities. Less than a quarter (20%) of rural dwellers live within a 3 minute walk of the nearest bus stop compared with 39% of those living in urban areas.
- Rural workers (91%) are also much more likely to use private transport to commute than those from urban areas (74%). Urban workers are much more likely to walk to work (12%) or to travel by bus (7%) than those from rural areas (6% and 1% respectively).

¹ <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/review-of-the-statistical-classification-and-delineation-of-settlements-march-2015.pdf>

² <https://www.nihe.gov.uk/getattachment/2d14cfaa-b262-4c8c-a7b8-9d9a10eb3bd2/Rural-Strategy-2021-2025.pdf>

Any revision of this subject policy must recognise that NMDDC along with a number of other Councils have significant rural populations with restricted public transportation options. The District's households living in smaller urban centres and open countryside have limited public transport service provision and these services will need significant public investment in order to provide a viable alternative to the private car.

At para 10.21 it is stated: "The planning system can play a positive role in supporting the decarbonisation of transportation. It can promote more sustainable transportation for a greener and more resilient future. The review provides the opportunity to ensure that the subject planning policy for transportation remains up to date and fit for purpose for plan-making and decision-taking. For example, it could consider how regional strategic planning policy can best support and integrate active travel infrastructure and use, deliver sustainable patterns of development that reduce the need to travel and encourage travel by greener modes of travel that minimise carbon emissions."

Answer 5b: NMDDC POP Key Issue 17 – Sustainable/Active Travel and Identification of Greenways. The majority of respondents on this issue were supportive of policy approach to enhance greenway provision and active travel linkages within and between development and onward transportation connections. There was clear recognition from public and statutory bodies that there is a need to do more to integrate active travel options into land use planning.

Whilst not yet published draft policy within the Council's LDP Plan Strategy will seek to require Developer's to set out by way of a sustainability statement what design measures have been introduced that will support the creation of a sustainable travel network.

The UK Government announced in November 2020 that they would end the sale of new petrol and diesel cars in the UK by 2030 and all PHEVs (Plug-in Hybrid Electric Vehicles) by 2035. Access to electric vehicle (EV) charging infrastructure will play a critical role in the widespread adoption of electric vehicles as it is currently considered to be one of the main barriers to electric vehicle uptake. It is noted that the Department for Finance issued a pre-consultation document on a review of energy efficiency requirements and related areas of Building Regulations in July 2023. This included potential next steps in relation to electric vehicle charging infrastructure to parking spaces at buildings. It is important that there is a joint approach between the Planning and Building Control regimes to support the delivery of the required EV infrastructure. This should be reflected in the wording of the SPPS.

Q6: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

Answer 6: The NMDDC POP Key Issue 7 addressed the issue of housing in the Countryside. The majority of respondents on this issue did support the Council's preferred option to carry forward existing policy provision as set out within PPS21 and the SPPS, with some clarification and minor changes to address shortfalls. Given the rural nature of the District it is perhaps not surprising that concerns were expressed that the policy approach of the SPPS was too restrictive and greater flexibility was needed to support the rural population.

The high levels of affordable housing need across the District are set out in the NIHE Housing Investment Plan 2023-26 while the NIHE Rural Strategy 2021-25 highlights the key commitment of the NIHE to facilitate the provision of social and intermediate homes to support rural communities.

The Department for Infrastructure in their response to the POP Key Issue 7 stated *"Opportunities provided within the SPPS provide the appropriate balance between managing growth to achieve sustainable patterns of growth and supporting a vibrant rural community and economy."*

The Council considers this statement to be largely reflective of the representations received through the POP consultation exercise. Going forward NMDDC consider that it is important for the SPPS to allow Councils to bring forward local planning policy that balances the needs of their urban and rural populations.

Consideration should be given to updating the subject policy to ensure that all new developments in the countryside incorporate zero and low carbon technologies such as heat pumps and solar photovoltaic panels into their designs or the use of techniques such as passive solar design in order to ensure that such developments are environmentally sustainable.

QUESTION 7: In light of the declared climate emergency and the requirements of The Climate Change Act (Northern Ireland) 2022, can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.

Answer 7: There has been an increased interest in the creation of microgrids, systems in which whole housing or commercial developments are supplied by renewable energy sources such as solar/photovoltaic and the creation of district heating schemes. These have significant potential for contributing to decarbonisation. Any review of the SPPS should consider the extent to which new residential and commercial developments should be provided with such systems or have provision for them incorporated into their design, e.g., conduits for the

necessary piping and wiring within and between the buildings being provided during construction to facilitate potential future installation.

Consideration needs to be given to how any changes to the SPPS to better support the Climate Change agenda are then addressed through the Council's LDP process. Councils will wish to ensure that their LDPs reflect changes to the SPPS in respect of the Climate Change agenda however a full review of the LDP Plan Strategy may not be scheduled or feasible. There should be scope for Councils to address this by way of supplementary planning guidance. If the LDP contains strategic objectives and policy on Climate Change, it can be used as a hook to produce supplementary planning documents which set out detailed requirements on Climate Change.

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 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting Consultee response.	N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley	NIEA requested further information. Agent advised	N
LA07/2017/0978/F and LA07/2017/0963/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	Amendments with Consultee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 16 NOVEMBER 2022					
LA07/2020/1651/F	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description) 75m north of 18 Ballinasack Road, Mullaghbawn, Newry.	Defer for a site visit at December Planning meeting	P Rooney	Site visit – 18-01-2023 – return to Planning Committee on 08-02-2023 Defer for clarification in relation to the points raised by Legal	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 08 FEBRUARY 2023					
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carriveeconomy Road Newry Co. Down.	Defer	P Rooney/A Donaldson		N
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick		N
PLANNING COMMITTEE MEETING 23 AUGUST 2023					
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access - 4 Majors Hill, Annalong	Defer determination to explore further options regarding the development of a lay-by for the proposed application.	M Keane	Revised proposals submitted for lay-by. Ongoing with agent/DFI Roads	N
PLANNING COMMITTEE MEETING					

13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit	N
PLANNING COMMITTEE MEETING					
7 FEBRUARY 2024					
LA07/2022/0246/F	Lands approx. 160m SE of 35 Clannaghery Road, Tyrella, Downpatrick	3 eco-pods, amenity room, ancillary car park, associated site works	A McAlarney	Deferred to allow for a site visit	N