



March 3rd, 2022

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 9th March 2022** at **10:00 am** in **Physical venue tbc and via Microsoft Teams.**

**Committee Membership 2021-2022**

- Cllr. D McAteer (Chair)
- Cllr. C Enright (Deputy Chair)
- Cllr. R Burgess
- Cllr. L Devlin
- Cllr. G Hanna
- Cllr. V Harte
- Cllr. M Larkin
- Cllr. D Murphy
- Cllr. L McEvoy
- Cllr. H McKee
- Cllr. G O'Hare
- Cllr. J Trainor

# 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 the entire item.

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## *For confirmation*

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- 4.0 Minutes of Planning Committee Meeting held on Wednesday 9 February 2022. (Copy attached)

 *Planning Committee Minutes 09.02.2022.pdf*

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## *For Discussion/Decision*

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

 *Addendum list - 09-03-2022.pdf*

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## *Local Development Plan Items - Exempt Information*

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- 6.0 LDP: Planning Policy Review - Coastal Development. (Attached).

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

 *PC Report re LDP PPR - Coastal Development.pdf*

*Not included*

 *PPR Paper - Coastal Development (PC 9.3.22).pdf*

*Not included*

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


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- 7.0 LA07/2021/0329/O - Proposed replacement of redundant non residential building with new storey and half dwelling on former industrial ground to the rear of No. 30 Grove Road, and improvement accesses to Nos 28, 30 & 30A Grove Road. (Case

## **Officer report attached).**

REFUSAL

In line with the updated Operating Protocol no further speaking rights are permitted on this application (John Cole, agent and Ryan Newell, applicant, will be available to answer any queries Members might have)


 [LA07-2021-0329-0.pdf](#)

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### **8.0 LA07/2021/0755/0 - site for dwelling and garage (gap site) - 50m SW of 11 Saval Lane, Saval. (Case Officer report attached).**

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Colin O'Callaghan, agent, will be available to answer any queries Members might have)


 [LA07\\_2021\\_0755\\_O.pdf](#)

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### **9.0 LA07/2021/0953/F - Erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme Lands approx. 55m north west of 108 Leitrim Road Hilltown. (Case Officer report attached).**

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Colin O'Callaghan, agent, will be available to answer any queries Members might have)

 [LA07-2021-0953-F.pdf](#)

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## ***Development Management - Planning Applications for determination***

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### **10.0 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. (Case Officer report attached).**

APPROVAL

- A request for speaking rights has been received from Sean Connolly in objection to the application. **(Submission attached).**

- A request for speaking rights has been received from Dermot O'Hagan, agent; Jim McMahon and Conor Savage Ballyholland Harps GAC in support of the application. **(Submission attached)**.

[LA07-2020-1567-F Draft COR V2 14.02.2022 \(as revised 23.02.2022\).pdf](#) Page 50

[Item 10 LA07-2020-1567-F \(objection\).pdf](#) Page 85

[Item 10 - LA07-2020-1567-F.pdf](#) Page 86

## **11.0 LA07/2017/0978/F Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle. (Case Officer report attached).**

### REFUSAL

- A request for speaking rights has been received from Jason Martin, agent and Stuart Douglas, applicant, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from Councillor David Taylor in support of the application. **(Submission attached)**.
- Representatives from Historic Environment Division (Listed Buildings) will be in attendance via Teams

[la07\\_2017\\_0978\\_F- 50 Bryansford Village.pdf](#) Page 90

[Items 11 and 12 - LA07-2017-0978-F and LA07-2017-0983-LBC.pdf](#) Page 106

[Items 11 and 12 - Cllr. Tylor.pdf](#) Page 108

## **12.0 LA07/2017/0983/LBC - Demolition of side and rear extensions - 50 Bryansford Village Ballyhafry Bryansford Newcastle. (Case officer report attached).**

### CONSENT NOT RECOMMENDED

- A request for speaking rights has been received from Jason Martin, agent and Stuart Douglas, applicant, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from Councillor David Taylor in support of the application. **(Submission attached)**.
- Representatives from Historic Environment Division (Listed Buildings) will be in attendance via Teams

[la07\\_2017\\_0983\\_LBC- 50 Bryansford Village.pdf](#) Page 109

## **13.0 LA07/2017/1779/F - Amendment to planning approval LA07/2015/0782/F. Change from Vestas 27 225kw wind turbine**

**with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m - nds Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick. (Case Officer report attached).**

APPROVAL

- This application is to be presented to Committee

📄 *LA07-2017-1779-F - Ballykilbeg Rd (Turbine) (003).pdf*

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

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**14.0 LA07/2019/1134/O - Replacement Dwelling - 90 Manse Road Darraghcross Crossgar. (Case Officer report attached).**

REFUSAL

- A site meeting was held on 7 August 2020 - Councillors Burgess, Hanna, Harte, Larkin, Murphy, and O'Hare attended
- Further speaking rights/clarification will be granted on the application, as new information is being tabled.

📄 *LA07-2019-1134-O 90 Manse Road Addendum for committee.pdf*

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📄 *Review of Structural Report on 2019\_1134\_O.pdf*

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***Development Management - Planning Applications for determination***

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**15.0 LA07/2020/1161/F - Change of use from rough grazing to motorhome park - Adjacent to No.11 Altnadue Road Castlewellan. (Case Officer report attached).**

REFUSAL

- A request for speaking rights has been received from Sean O'Hare in support of the application. **(Submission attached).**

📄 *LA07-2020-1161-F Motor Home Park Altnadue Road Castlewellan.pdf*

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📄 *Item 15 - LA07-2020-1167-F.pdf*

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**16.0 LA07/2021/0787/F - Demolition of existing bungalow dwelling and integrated garage to provide new build detached two storey modernist style dwelling with a new finished floor level raised above the flood plain level. Existing rear terrace to be**


**raised to provide level access with new dwelling. Alteration to front landscaping to provide additional hard standing. Existing stone clad front perimeter wall and pillars to be rendered smooth and painted - 26 Bryansford Avenue Newcastle. (Case Officer report attach**

REFUSAL

- A request for speaking rights has been received from Declan Rooney, agent; Karen Roulston, Architect and Stephanie Sloan, applicant, in support of the application. **(Submission attached).**

 *LA07\_2021\_0787\_F 26 Bryansford Road.pdf*

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 *Item 16 - LA07-2021-0787-F.pdf*

*Page 158*


**17.0 LA07/2021/1023/O - Private dwelling with domestic garage on gap/infill site Immediately south of 21 Whiterock Road, Newtownhamilton, Co. Down, BT35 0AW. (Case Officer report attached).**

REFUSAL

- A request for speaking rights has been received from John Young, Collins and Collins, in support of the application. **(Submission attached).**

 *LA07-2021-1023-O.PDF*

*Page 160*


 *Item 17 - LA07-2021-1023-0.pdf*

*Page 164*

**18.0 LA07/2021/1370/O - Infill development of 2 no. dwellings Land located between No.22 and No.22B Lurgan Road Silverbridge Newry BT35 9EF. (Case Officer report attached).**

REFUSAL

- A request for speaking rights has been received from Colleen Savage, agent, and Michael McLoughlin, applicant, in support of the application. **(Submission attached).**

 *LA07-2021-1370-O.PDF*

*Page 165*

 *Item 18 - LA0720211370O.pdf*

*Page 170*

**19.0 LA07/2021/1102/F - Erection of sheds for the manufacture of solid recovered fuel from residual waste, the manufacture of**

**products from dry recyclables, and vehicle maintenance; erection of 4-storey office block; external storage bays; carparking and associated site works including boundary fencing and ancillary plant - Lands located within the Invest NI Business Park 215 metres south west of No. 63 Cloghanramer Road Newry. (Case Officer report attached).**

APPROVAL

- This application is to be presented to Committee.

[LA07.2021.1102.F REGEN CARNBANE 22.02.22.pdf](#)

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**20.0 LA07/2020/0803/O - Housing Development including demolition of dwelling and outbuilding 4 Daisy Hill Newry BT35 8PN. (Case Officer report attached).**

APPROVAL

- Addendum list

[LA07-2020-0803-O.PDF](#)

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**21.0 LA07/2020/1689/F - Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage - Land 120m NW of 5 Donard Park & west of the existing Donard Park car park Newcastle. (Case Officer report attached).**

APPROVAL

- Addendum list

[LA07\\_2020\\_1689\\_F Donard Car Park extension.pdf](#)

Page 195

**22.0 LA07/2021/1752/LBC - Demolition of extension building adjoined to original B2 listed building and all associated remedial works - -14 Central Promenade Newcastle. (Case Officer report attached).**

CONSENT RECOMMENDED

- Addendum list

[LA07 2021 1752 LBC- Newcastle Centre.pdf](#)

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## **23.0 LA07/2021/2087/F - Reinstatement of 2 sash windows to rear elevation of building - 10-14 Central Promenade Newcastle. (Case Officer report attached).**

APPROVAL

- Addendum list

 LA07 2021 2087 F- Newcastle Centre.pdf

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### *Development Management*

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## **24.0 LA07/2020/0485/F - Proposal details below - Nos. 46 /47 /49 /50 /51 /52 /53 & 54 Merchants Quay, Newry together with Nos 9 /11 /13 /15 & 17 Cornmarket, Newry.**

Proposal:

864 m<sup>2</sup> of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m<sup>2</sup> Commercial Retail Space with associated ancillary service yard areas; 1 no. coffee bar (54 m<sup>2</sup>) (within the ground floor of the listed building); 73 (11 no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

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## **25.0 LA07/2020/0487/LBC - Proposal details below - No. 47 Merchants Quay, Newry**

Proposal:

Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors.

## **26.0 LA07/2020/0486/DCA. - Proposal details below - Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry**

Proposal:

Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay,



Newry (all designated within Newry Conservation Area).

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*For Agreement*

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**27.0 To agree a revised date for the May 2022 Planning Committee Meeting - original date 4th May (Assembly elections on 5th) - proposed revised date - Wednesday 11 May 2022**

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*For Noting*

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**28.0 Historic Actions Tracking Sheet. (Attached).**

 *Planning HISTORIC TRACKING SHEET - Updated March 2022.pdf*

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**29.0 Planning Committee Performance Report for February 2022. (Attached).**

 *February 2022 Planning Committee Performance Report.pdf*

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**30.0 Current appeals and decisions. (Attached)**

 *Current Appeals and Decisions.pdf*

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**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 9 February 2022 at 10.00am in Downshire Chamber and via Microsoft Teams.**

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**Chairperson:** Councillor D McAteer

**In attendance:** **(Committee Members)**

Councillor R Burgess  
Councillor L Devlin  
Councillor G Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor D Murphy  
Councillor L McEvoy  
Councillor H McKee  
Councillor G O'Hare  
Councillor J Trainor

**(Non Committee Members)**

Councillor A Lewis

**(Officials)**

Mr C Mallon	Director Enterprise Regeneration & Tourism (via Teams)
Mr A McKay	Chief Planning Officer
Mr A Hay	Principal Planning Officer (via Teams)
Ms A McAlarney	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Ms P Manley	Senior Planning Officer (via Teams))
Mr R Gallagher	Planning Assistant
Mr C McKay	Trainee Planning Assistant
Ms N Largey	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms L O'Hare	Democratic Services Officer
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer (via Teams)

**P/012/2022: APOLOGIES AND CHAIRPERSON'S REMARKS**

No apologies were received.

**P/013/2022: DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**P/014/2022: 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.**

LA07/2021/0816/0 - Councillor Harte advised she was not in attendance at the site visit and therefore would not be taking part in the discussion/decision on this application.

- **Item 7** - LA07/2021/0586/0 - Cllrs. Hanna, Harte, Larkin, McAteer, McEvoy and O'Hare were in attendance at the site visit.
- **Item 8** - LA07/2021/0040/0 - Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
- **Item 9** - LA07/2021/0816/0 - Cllrs. Hanna, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
- **Item 10** - LA07/2019/1653/F - Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
- **Item 11** - LA07/2020/1041/0 - Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
- **Item 12** - LA07/2021/1041/0 - Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.

**MINUTES FOR CONFIRMATION**

**P/015/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 12 JANUARY 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 12 January 2022. (Copy circulated)

**AGREED: On the proposal of Councillor Murphy, seconded by Councillor Hanna, it was agreed to adopt the Minutes of the e Planning Committee Meeting held on Wednesday 12 January 2022 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/016/2022: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 9 February 2022. **(Copy circulated).**

**AGREED: The Chairman advised the following application listed on the addendum list for Wednesday 9 February 2022 would be**

**removed and presented to the Committee at the Planning Meeting today.**

- **LA07/2021/1655/F**- Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick **REFUSAL**

### **LOCAL DEVELOPMENT PLAN (CLOSED SESSION)**

**AGREED:** **On the proposal of Councillor Burgess, seconded by Councillor Harte, it was agreed to exclude the public and press from the meeting during discussion on the following item:**

On the proposal of Councillor Devlin, seconded by Councillor Burgess, it was agreed to come out of closed session.

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

**P/017/2022:** **LDP: Progress Report - Quarterly Update**

Read: Report dated 9 February 2022 by Mr A McKay, Chief Planning Officer regarding the Local Development Plan: Progress Quarterly Update

**AGREED:** **On the proposal of Councillor Devlin, seconded by Councillor McKee, it was agreed to note the quarterly update provided in Report dated 9 February 2022 from Mr A McKay, Chief Planning Officer regarding the Local Development Plan.**

### **DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION**

**P/018/2022:** **PLANNING APPLICATIONS FOR DETERMINATION**

**(1) LA07/2021/0586/O**

Councillors Burgess, Devlin, Murphy, McKee and Trainor withdrew for the discussion/decision on this application.

**Location:**

Lands immediately south of No 7 Glenmore Road, Mullaghbane

**Proposal:**

Proposed dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr A Davidson, Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

**Speaking rights:**

In line with the updated Operating Protocol no further speaking rights were permitted on this application.

Mr P McKernan, agent and O Hearty, applicant were in attendance to answer any questions from Members.

**Issues Raised:**

- Mr Davidson said time had been taken at the site visit to clarify the site measurements and he said the average frontage was 20 metres, whilst the gap available measured 150 metres.
- Mr Davidson said to comply with policy, plot size comparisons needed to be made along the common frontage.
- Mr McKernan said the cluster of buildings to the north of the proposed site clearly belonged to one grouping, defined by a common frontage and wall, the total measurement of which was 63 metres; the dwelling approved to the south of the proposed site measured 63 metres and No. 3 Glenmore Road measured 74 metres, including the garden area, which, he considered needed to be included.
- Mr McKernan said policy requirements included size, scale and respect for existing pattern of development and he said the map he had submitted illustrated four plots along the Glenmore Road measuring 63 metres, 63 metres, 74 metres and 80 metres, the average of which was 70 metres.
- Mr McKernan said the 150metre gap size would allow for two plots measuring 75 metres each. He said he did not accept the view from Planning that the average plot size was 20 metres.
- Mr Davidson said the policy was for a small gap site, which, he said the proposed application was not.
- Ms Largey said the Planning Report referred to PAC decisions that supported Planning Department's interpretation of the policy and its position in respect of the measurements.

The map referred to by the agent was uploaded for the Committee.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/0586/O on the basis that having been on site, although he acknowledged the decision taken by the Planning Department, he accepted the arguments made by the agent and he considered the proposed application met policy requirements. Councillor O'Hare seconded the proposal.

In advance of a recorded vote being taken, Ms Largey said she had significant concerns regarding the map that had been uploaded at the meeting, and she asked that the Committee consider deferring the application to allow some time for the map to be considered.

Councillor Larkin said the map had been emailed to Committee Members prior to the meeting.

Ms Larkin said she had not studied the map and she had concerns because of the PAC decisions referred to in the Planning Report; She said it was a matter for the Committee to decide and said they could go to a vote subject to legal consideration, and if deemed necessary, the application would be brought back to the March Planning Committee.

Councillor Larkin and Councillor O'Hare both agreed to this caveat.

The proposal was put to a recorded vote, the result of which was as follows: (copy attached)

FOR: 5  
 AGAINST: 1  
 ABSTENTIONS: 0

The proposal was carried.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor O'Hare it was agreed to issue an approval in respect of Planning Application LA07/2021/0586/O contrary to officer recommendation on the basis that it conformed to policy in terms of size and scale, and it respected the existing pattern of development in the area.

**Planning officers be delegated authority to impose any relevant conditions.**

**Ms Largey to consider the map submitted by the agent and uploaded at the meeting and if deemed necessary the application to be brought before the Committee at the March Planning Committee meeting.**

## **(2) LA07/2021/0040/O**

Councillors Burgess, Devlin, and McKee withdrew for the discussion/decision on this application.

### **Location:**

Between No 5 & 7 Bog Road Forkhill Newry Co Down

### **Proposal:**

Infill Dwelling and Garage

### **Conclusion and Recommendation from Planning Official:**

Refusal

### **Power-point presentation:**

Mr A Davidson Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

### **Speaking rights:**

In line with the updated Operating Protocol no further speaking rights were permitted on this application.

Ms M Smith, agent was in attendance to answer any questions from Members.

### **Issues Raised:**

- Mr Davidson said although the area to the right hand side of the laneway and to the north of the application site appeared to be used for domestic purposes, the key issues were the buildings were located on the left hand side of the lane, there was not a line of 3 or more buildings along the common frontage and there were no bookends further north of the application site, all of which was required by policy.

- Mr Davidson said it was apparent at the site visit, there was no clearly defined boundary or garden and he considered there to be a different frontage where the buildings were located on the lane.
- Mr Davidson said the all the buildings at the end of the lane on the left hand side were part of the same holding.
- Ms Smith said she did not agree with Planning regarding where the lane ended.
- Ms Smith said it was evident, on the ground there was road frontage to the right-hand side of the lane.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2021/0040/O on the basis that having visited the site, he was satisfied the manicured garden represented frontage to the lane and the application complied with CTY8. Councillor Hanna seconded the proposal.

The proposal was put to a recorded vote, the result of which was as follows: (copy attached)

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Murphy seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/0040/O contrary to officer recommendation on the basis that the garden represented road frontage and the application complied with CTY8.**

**Planning officers be delegated authority to impose any relevant conditions.**

### **(3) LA07/2021/0816/O**

Councillors Burgess, Devlin, Harte and McKee withdrew for the discussion/decision on this application.

**Location:**

Adjacent to No. 10 Hillhead Road, Newry,

**Proposal:**

Proposed replacement dwelling to create an infill dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Ms P Manley, Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

**Speaking rights:**

In line with the updated Operating Protocol no further speaking rights were permitted on this application.

Ms M Smith, agent was in attendance to answer any questions from Members.

**Issues raised:**

- Ms Manley advised that Refusal Reason 4 had been removed as the access visibility splays had been improved, confirmation received that the additional lands from a third party were no longer required to serve notice, and Transport NI were now satisfied.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/0816/O on the basis that, whilst he accepted there was no evidence that the building had ever been a dwelling, he said the it represented an infill opportunity and complied with CTY 8. Councillor Hanna seconded the proposal.

The proposal was put to a recorded vote, the result of which was as follows: (copy attached)

FOR:	6
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0816/O contrary to officer recommendation on the basis that it represented an infill opportunity and complied with CTY8.**

**Planning officers be delegated authority to impose any relevant conditions.**

(Break 11.10 – 11.20)

**(4)    LA07/2019/1653/F**

Councillors Burgess, Devlin, and McKee withdrew for the discussion/decision on this application.

**Location:**

Lands to the East of No 5 Ferry Quarter View and Lands to the North East of No 3 Ferry Quarter View Strangford

**Proposal:**

5 No Apartments, Bin store, Car parking and Associated Site Works

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Mr A McAlarney, Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

**Speaking rights:**

In line with the updated Operating Protocol no further speaking rights were permitted on this application.



In Objection

Mr T Stevens and Mr N Laird, objectors were in attendance to answer any questions from Members.

In Support

Mr P Stinson, Turley Architects and Mr A Groves, APD Architects were in attendance to answer any questions from Members.

**Issues Raised:**

- Ms McAlarney confirmed DfI Rivers had raised no objections to the proposed application.
- Councillor Murphy said if the proposed application was a whole new development there would be a requirement for a new road with foot paths and speed bumps to be instated and he expressed concern, in terms of fairness, rather than policy, that this was not the case.
- Mr McKay said the first 50 metres of the access road would be brought up to adoptable standards as per the requirements of DfI Roads.
- Ms McAlarney said Planning would not be seeking the adoption of the road as there was not enough space to bring it up to adoptable standards.
- Ms McAlarney said the geometry of the layout did not lend itself to high speeding.
- Ms McAlarney said if the Committee required signage to be put up to address any road safety concerns, it would not be a planning issue, but one that may be addressed by the developer or management company.
- Mr Stinson confirmed he would be content to put up signage in an effort to allay any road safety concerns the Committee may have.
- Ms Largey advised that a condition could be added to include Planning Officers be delegated authority to explore with the agent, the use of road signage in addressing any road safety concerns.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/1653/F with delegated authority to Planning Officers to explore with the agent, road safety concerns. Councillor Larkin seconded the proposal.

The proposal was put to a recorded vote, the result of which was as follows: (copy attached)

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

**AGREED:**

**On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2019/1653/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

**Planning Officers be delegated authority to explore with the agent, the use of road signage in addressing any road safety concerns.**

**(4) LA07/2020/0653/O**

Councillors Burgess, Devlin, and McKee withdrew for the discussion/decision on this application.

**Location:**

Approx 40m south west of 11 St Patrick's Circle Saul Downpatrick

**Proposal:**

Dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Annette McAlarney, Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

**Speaking rights:**

In line with the updated Operating Protocol no further speaking rights were permitted on this application.

Mr G Tumelty, agent and Mr P J Fox were in attendance to answer any questions from Members.

**Issues Raised:**

- Ms McAlarney said it would be inadvisable to speculate on alternative access proposals and it would not be appropriate to discuss a proposal that was not in front of the committee today.
- Ms McAlarney said the current proposal was unacceptable because of the integration of the access and the potential of nuisance to the existing properties at the rear.
- Mr Tumelty said providing access off the existing cul de sac was explored but was not an option.
- Mr Tumelty said the applicant owned the adjoining land and a hedgerow could be planted and the levels lowered if necessary.
- Ms McAlarney confirmed there had been objections received from 4 addresses in St Patrick's Circle.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/0653/O on the basis that he considered it to be sustainable development in the countryside, it would cluster with other buildings and would integrate into the landscape. Appropriate planting could be put in to further ensure integration and although he accepted the access lay outside the development limits, he said, as a committee there should be enough flexibility to permit the development. Councillor Larkin seconded the proposal.

The proposal was put to a recorded vote and voting was as follows: (copy attached)

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was carried.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of**

**Planning Application LA07/2020/0653/O contrary to officer recommendation on the basis that the development would integrate into the landscape and additional planting to be added if required.**

**Planning Officers be delegated authority to impose any relevant conditions.**

**(6) LA07/2021/1041/O**

Councillors Burgess, Devlin, and McKee withdrew for the discussion/decision on this application.

**Location:**

To the rear of 9 Wateresk Road Dundrum

**Proposal:**

Dwelling and detached garage with associated site works, including improvements to existing vehicular access

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Ms Annette McAlarney, Senior Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

**Speaking rights:**

In line with the updated Operating Protocol no further speaking rights were permitted on this application.

Mr Nicholas O'Neill was in attendance to answer any questions from Members.

**Issues Raised:**

- Mr O'Neill said the applicant did not have legal ownership over the lane located close to the proposed access and therefore he considered the proposed access to be a better option.

Councillor Larkin proposed and Councillor O'Hare seconded to issue a refusal in respect of Planning Application LA07/2021/1041/O as per the information and recommendation contained in the Case Officer report presented to Committee.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

**AGREED:**

**On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2021/1041/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

(All Councillors re-joined the meeting)

**(7) LA07/2020/1866/F**

**Location:**

Between 78 and 80 Old Park Road Drumaness Ballynahinch

**Proposal:**

New dwelling with associated detached garage and site works

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

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

**Speaking rights:**

Mr Nicholas O'Neill, agent and Ms Maureen Nixon, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues Raised:**

- Ms McAlarney said individual accesses and driveways did not constitute frontage in terms of Planning.
- Mr O'Neill read out a statement by PAC that stated a building had frontage to a road if the plot on which it was located abutted or shared a boundary with that road.
- Ms Largey said it was a matter for the Committee Members to decide whether they considered the lane and adjoining areas as frontage.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/1866/F contrary to officer recommendation on the basis that the application complied with CTY8 in that it had frontage to the road.**

**Planning officers be granted authority to impose any relevant conditions.**

**(8) LA07/2021/0875/0**

**Location:**

Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick

**Proposal:**

Proposed Replacement Dwelling

**Conclusion and Recommendation from Planning Official**

Refusal

**Power-point presentation:**

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

**Speaking rights:**

Mr Michael Bailey, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:-**

- Ms McAlarney said there was no definitive list of what was required to determine if a building was formerly a dwelling, however Planning looked for windows, doors, heat source, separate rooms and she said all of these characteristics were missing in the subject building.
- Mr O'Neill said according to the Griffiths Valuation Maps the building had been inhabited by a Mr Patrick Denvir and this information had been submitted to Planning.
- Ms McAlarney said the Griffiths Valuation Maps showed a group of buildings not specific to the subject building and consequently Planning could not attach any weight to the reference in this regard made by the agent.
- Ms Largey said the issue for the Committee Members to decide was if the building displayed the characteristics of a dwelling and not whether they considered it had been inhabited.
- Ms McAlarney said the starting point for Planning was to determine if the building resembled a dwelling and Planning considered it did not.
- Ms McAlarney said determining weight could not be attached to any perceived past use for a building and policy required any determination was made on the current state of the building.
- Ms Largey said the Committee may benefit from having a site visit.
- Mr O'Neill said there was evidence of a chimney but this could only be seen from inside the building.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/0875/0 on the basis that he considered it displayed the characteristics of a dwelling with the detail around the window openings saying this detail would not be found in an agricultural building. Councillor Larkin seconded the proposal, agreeing with Councillor Hanna and he said the Griffiths Valuation Maps were very accurate for research purposes.

The proposal was put to a recorded vote and voting was as follows: (copy attached)

FOR:	8
AGAINST:	3
ABSTENTIONS:	0

The proposal was carried.

**AGREED:**

**On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/0875/0 contrary to officer recommendation on the basis that the building displayed the characteristics of a dwelling.**

**Planning officers be granted authority to impose any relevant conditions.**

(Lunch 12.40 – 1.15pm)

**(9) LA07/2021/1790/F**

**Location:**

170m Northwest of 150 Clonvaragharr Road Ballyward

**Proposal:**

Proposed Conversion and Extension of a Vernacular Barn to form a Single Dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

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

**Speaking rights:**

Mr Declan Rooney, agent and Mr Des and Wynne Herron, applicants presented in support of the application, (via Teams) detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Rooney confirmed the proposal would include retention of the stone wall and slate roof.
- Ms McAlarney said the proposed application was unacceptable due to the level of the new extensions which would result in dominance and would detract from the main building.
- Ms McAlarney the proposed extensions would more than double the footprint of the existing building.
- Ms McAlarney said the building was unremarkable with no historical merit and the only advantage it had in terms of Planning was its location at the road side, however she said, not every road side shed got converted.
- Mr Rooney did not have the sq. ft. of the original building and the sq. ft. of the proposed extension to hand.
- Mr Rooney referred to a previous PAC decision where it was stated that provided the render was removed, the building would display architectural merit, and he said planning permission had been granted based on that condition.
- Ms McAlarney said if a building was considered to be locally important, any extensions would have to be subservient to the main building.
- Mr Rooney said the policy did not refer to size restrictions and he quoted from the Case Officer's report: 'the extension is at a lower elevation and located to the side and rear of the existing building, with a backdrop of rising land to the rear and sides, on balance it is considered that the scale and massing of the dwelling are appropriate and will not have a significantly greater visual impact than the existing barn to be converted.'
- Mr McKay said the refusal reasons included that the proposed application would have an adverse effect on the character of the locality and the site visit would have confirmed this. He said this was the second time the application was being considered and asked what had changed since it had been refused relatively recently.
- Ms Herron provided the committee with a brief history of the inhabitants who had previously lived in the building.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/1790 on the basis that he considered it would be a substantial planning gain, it was a traditional barn and the applicants intended to expose the stone, the applicant had said it was formerly a blacksmiths and he said blacksmiths were highly regarded locally and he considered it to be a sustainable proposal. Councillor Larkin seconded the proposal saying he considered the building to be locally important, the proposed application would provide modest accommodation for the applicants and he did not believe it would have a detrimental effect on the character of the area.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	2

The proposal was carried.

Councillor Devlin stated she agreed the building was of local importance, but she considered the proposed extension was too big, hence her reason for abstaining in the vote.

**AGREED:**                    **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/1790/F on the basis that the building was of local importance and it would not have a detrimental effect on the character of the area.**

**Planning officers be granted authority to impose any relevant conditions.**

#### **(10) LA07/2021/0755/O**

**Location:**

50 metres south west of 11 Saval Lane Saval Newry

**Proposal:**

Site for dwelling with garage (gap site)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

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

**Speaking rights:**

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

**Issues raised:**

- Mr Keane said Planning determination on the application would not change if the stable block had been a lawful building.

- Mr Keane said the building to building measurement from the outbuilding on the application site measured approximately 125 metres.
- Mr Keane said the main issues of concern were the combination of separation distance, the topography of the land and the road alignment, whereby the site serves as an important visual gap between existing buildings
- Mr Keane advised policy requires that all proposals must meet other planning and environmental requirements. As a result of the sites topography it would not be possible to integrate any development on this site without requiring significant engineering including cut and fill.

**AGREED:**                    **On the proposal of Councillor Devlin seconded by Councillor Larkin it was unanimously agreed defer Planning Application LA07/2021/0755/O for a site visit so Members could assess the site in more detail.**

**(11) LA07/2021/1243/F**

**Location:**

18 Park View, Cloughoge, Newry

**Proposal:**

Single storey extension to the rear and first floor extension the side

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

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

**Speaking rights:**

Mr Matt McMullan, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Davidson said Planning would require the ridge height of the proposed application to be dropped down at the rear as well as the front to make it symmetrical and comply with policy.
- Mr McMullan said the two full height extensions he had referred to in his presentation had been previously approved and although he acknowledged policy had changed in the interim, he said there was no requirement in the policy for symmetry.
- Mr McMullan said the proposed roof pitch was identical to that already in place.
- Mr McMullan referred to No. 5 Park View and said it would be structurally impossible to build according to the specifications approved by Planning.
- Mr McKay said it was important the Committee deal with the application before them and not refer to other applications.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1243/F on the basis that he considered the extension would not detract from the character of the area, there was a varied design character in the housing development and the design was sympathetic to the house to be extended. Councillor Hanna seconded the proposal.



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

FOR: 9  
 AGAINST: 0  
 ABSTENTIONS: 2

The proposal was carried.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1243/F contrary to officer recommendation on the basis that it would not detract from the character of the area and was sympathetic to the house to be extended.

**Planning Officers be delegated authority to impose any relevant conditions.**

**(12) LA07/2021/1655/F**

**Location:**

Lands along Warrenpoint Front Shore adjacent to Marine Parade Harbour Quays Havelock Place Warrenpoint

**Proposal:**

Public realm improvement scheme

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

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

**Issues raised:**

- Councillor McAteer said although he agreed with the proposal in principle he had some concerns at the height restricting barriers saying it could have a negative impact on camper vans coming to the area.

**AGREED:** On the proposal of Councillor O'Hare seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/1655/F as per the information contained in the Case Officer report and presented to Committee.

**(13) LA07/2021/1023/O**

**Location:**

Immediately south of 21 Whiterock Road, Newtownhamilton

**Proposal:**

Private dwelling with domestic garage on gap/infill site

**Conclusion and Recommendation from Planning Official:**

Refusal

The agent from Collins & Collins was unable to attend the meeting on time due to traffic congestion.

**AGREED:**                    **On the proposal of Councillor Hanna seconded by Councillor Murphy it was unanimously agreed to defer Planning Application LA07/2021/1023 until the March Planning Committee Meeting.**

**FOR NOTING**

**P/008/2022:**                **HISTORIC ACTION SHEET**

Read:                            Planning historic action sheet. **(Copy circulated)**

Councillor Murphy referred to Planning Application LA07/2017/1261/O and said as legal advice had now been received it needed to be dealt with as soon as possible and asked for an update.

Mr McKay said legal advice was received mid December 2021, Planning needed to consult on it and it would be brought back to Committee as soon as possible.

**AGREED:**                    **It was unanimously agreed to note the Planning Historic Action Sheet.**

**P/009/2022:**                **PLANNING COMMITTEE PERFORMANCE REPORT**  
**- January 2022**

Read:                            Planning Committee Performance Report for January 2022.  
**(Copy circulated)**

**AGREED:**                    **It was unanimously agreed to note the Planning Committee Performance Report January 2022.**

**P/010/2022:**                **CURRENT APPEALS AND DECISIONS**

Read:                            Planning Appeals and Decisions Report.  
**(Copy circulated)**

**AGREED:**                    **It was unanimously agreed to note the Report on Planning Appeals and Decisions.**

The meeting concluded at 14.30.

For confirmation at the Planning Committee Meeting to be held on Wednesday 9 March 2022.

**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 09 March 2022**

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:

- **LA07/2020/0803/O** - Housing Development including demolition of dwelling and outbuilding 4 Daisy Hill Newry BT35 8PN **APPROVAL**
- **LA07/2020/1689/F** - Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage - Land 120m NW of 5 Donard Park & west of the existing Donard Park car park Newcastle **APPROVAL**
- **LA07/2021/1752/LBC** - Demolition of extension building adjoined to original B2 listed building and all associated remedial works - -14 Central Promenade Newcastle **APPROVAL**
- **LA07/2021/2087/F** - Reinstatement of 2 sash windows to rear elevation of building - 10-14 Central Promenade Newcastle **APPROVAL**

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/0329/O

**Date Received:** 18.02.2021

**Proposal:** Proposed replacement of redundant non-residential building with new storey and half dwelling on former industrial ground to the rear of No. 30 Grove Road, Annalong and improvement accesses to Nos 28, 30 & 30A Grove Road.

**Location:** To the rear of No.30 Grove Road, Annalong, BT34 4XB

### 1. Site Characteristics & Area Characteristics:

- 1.1. The application site is located to the rear of No.30 Grove Road. The application site is accessed from the Grove Road through a shared access. The site is overgrown while there are concrete bases present. The building to be replaced exhibits a mono-pitch lean-to corrugated roof and green painted doors. The walls are finished with a rough render. The site is relatively flat with a gentle descend from the Grove Road.
- 1.2. The application site is located outside any settlement development limits as designated with Banbridge/Newry and Mourne Area Plan 2015. The area is of typical rural character and predominately agricultural use. The site is within a designated Area of Outstanding Natural Beauty.



## 2. Site History:

P/1987/0940: Erection of retirement bungalow. Granted 12.10.1987.

P/1986/1158: Proposed site for retirement dwelling. Granted 28.04.1987

P/1986/0236: Site for dwelling. Granted 07.05.1986

P/1998/1656: Erection of replacement dwelling. Granted 23.07.1999.

## 3. Planning Policies & Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 2 - Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside

## 4. Consultations:

DfI Roads: No objections subject to conditions 13.10.2021

Environmental Health: No objections 08.09.2021

DfI Rivers: No objections 24.05.2021

NI Water: Generic response received 05.05.2021

## 5. Objections & Representations

5.1. 8 neighbouring properties were notified on 06.05.2021 and the application was advertised in two local newspapers on the 02.03.2021 and 03.03.2021. No representations have been received to date 11.11.2021.

## 6. Consideration and Assessment

6.1. The proposal is for the replacement of a small outbuilding (see image 3 and 4) which housed canteen fridges, toilets for employees on site associated with mushroom production and allowed for administration duties and the removal of concrete bases, previously used for mushroom polytunnels, and replacement with a 1 and a half storey dwelling.



## Banbridge, Newry and Mourne Area Plan 2015

6.2. 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 outside the development limits of a designated settlement. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

### **Strategic Planning Policy Statement (SPPS)**

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

### **PPS21 - Sustainable Development in the Open Countryside**

- 6.4. Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3. This application proposes the replacement of a redundant non-residential building with a dwelling.
- 6.5. CTY 3 states '*Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy*'.
- 6.6. The accompanying Design and Access Statement stated that the building to be replaced housed canteen fridges, toilets for employees on site and allowed for administration duties associated with mushroom growing. Section 250 (1) of the Planning Act (Northern Ireland) 2011 definition of agriculture includes horticulture i.e. growing mushrooms. The Council considers the subject building is designed for the purposes of agriculture for the housing canteen fridges, toilets for employees on site and allowed for administration duties ancillary and reasonably necessary to the production of mushrooms. The interpretation is supported by the Commissioners Decision in appeal decision 2019/E0026.
- 6.7. Notwithstanding the Council's objections to the building's eligibility CTY 3 allows for the replacement of non-residential building in certain circumstances stating:

*Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed*

*or otherwise makes an important contribution to the heritage, appearance or character of the locality.*

- 6.8. The Council, after carefully considering the information submitted including, inter alia, the design and access statement, raised concerns with the principle of development on the site. The design and access statement stated, in support of demonstrating the proposal would bring significant environmental benefit:

*The replacement of this existing redundant building and the removal of existing concrete bases will provide beneficial environmental impacts to the area. concrete bases and building will be removed and replaced by landscaping as shown on the site plan. This will have benefits to the ecosystems in the area.*

- 6.9. The proposal does not demonstrate how there would be a significant environmental benefit. While an argument was presented that the removal of hardstanding would benefit the 'ecosystems in the area', it has not been demonstrated how this would be the case. However, the submitted evidence does not establish delivery of these benefits to be dependent on the grant of planning permission or that the required measures could not be taken regardless.
- 6.10. Regarding the visual impact of the building to be replaced, its design and appearance is typical of the older agricultural outbuildings commonly found throughout the countryside and has a relatively low ridge height approximately 2.3m, therefore it is not considered out of place. The critical views of the building are transient and largely screened by the presence of No.40 Grove Road.
- 6.11. The environmental benefits of the proposal are ambiguous, and the Council does not consider them, when weighed either individually or in combination, to constitute significant environmental benefits for the purposes of Policy CTY 3.
- 6.12. Further to the above, the CTY 3 requires that all replacement cases would not have a visual impact significantly greater than the existing building. As stated above the building to be replaced has a relatively low ridge height, approximately 2.3m, is located to the rear of No.40 Grove Road. The proposed dwelling would have a greater visual impact due to the increase in ridge height and sited in a more exposed part of the site.
- 6.13. Consequently, the proposal fails this critical policy test and does not constitute development acceptable in the countryside as the replacement of a redundant non-residential building in compliance with Policy CTY 3.

#### **CTY 13 and CTY 14**

- 6.14. The application site gently slopes away from the Grove road and is located behind a large 2 storey dwelling. The dwelling with a restricted ridge height would not be a prominent feature in the landscape. the site is enclosed on by dry stone walls typical of the area. The proposed would not result in



ribbon style development the existing planting to the rear of the application site could be supplemented with additional native planting.

- 6.15. I do not consider the proposal, subject to conditions, to offend CTY13 or CTY 14.

**CTY 16**

- 6.16. A pre-commencement condition requiring an approved application to NI Water Consent to Discharge to be agreed in writing by the Planning Authority would ensure the proposal satisfies the policy requirements of CTY 16.

**Planning Policy Statement 3: Access, Movement and Parking**

- 6.17. DfI Roads have been consulted and are content with the proposal subject to conditions. The application site is large enough to accommodate two in-curtilage parking spaces and sufficient space to manoeuvre and turn vehicles without the need to prejudice the flow of traffic. The proposal, subject to conditions, satisfies the policy requirements of PPS 3.

**7. Recommendation: Refusal**

**8. Refusal Reasons:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced is designed and used for agricultural purposes, and is not eligible for replacement.
3. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development does not represent a significant environmental improvement.
4. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would have a visual impact significantly greater than the existing building.

**Case Officer Signature: Eamonn McArdle**

**Date: 12.11.2021**

**Authorised Officer Signature: M Keane**  
**Date: 12-11-21**



Comhairle Ceantair  
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agus an Dúin**

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/0755/O

**Date Received:** 22<sup>nd</sup> April 2021

**Proposal:** Site for dwelling with garage (gap site).

**Location:** 50 metres south-west of 11 Saval Lane, Saval, Newry

#### **1.0. Site Characteristics and Area Characteristics**

- 1.1.** The application site is located outside any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015 (Map 3/01 Newry and Mourne District). The application site is located approximately 2.41 miles north-east of the settlement limit of Newry and approximately 0.9 miles north-east of Sheeptown.
- 1.2.** The site is located within an agricultural vacant field close to number 11 Saval Lane. Image 1 below shows an extract from the site location plan submitted with the application. Images 2, 3 and 4 set out various views of the proposed application site.
- 1.3.** The proposed application site boundary extends along a stretch of a field on Saval Lane. The application site is located between 11 Saval lane and the properties of No.15 and 17 Saval Lane, which are set back from the roadside and accessed by 'paired' driveways. The land rises sharply from No 11 to the paired accessways serving Nos 15 and 17, before falling sharply along Saval Lane to 2 further dwellings further to the south-west, Nos 19 and 21 Saval Lane.

**Image 1 Extract from the Site Location Plan**



**Image 2 Photograph taken looking onto portion of the application site from number 11 Saval Lane**



**Image 3 Photograph looking onto the site from the lane access to 15 and 17 Saval Lane**



**Image 4 Photograph looking onto the application site from Saval Lane**



- 1.4.** Image 2 is a photograph taken from the garden of number 11 showing the boundary with the application site. It is evident from the photograph that the site rises from east to west. It is also noted that there is a structure within the

application site that does not benefit from planning permission. Image 3 is taken from the driveway which allows access to 15 and 17 Saval Lane again the sloping topography is evident within this photograph. (This paired entrance serving no.15 and 17 is currently the subject of enforcement investigations). Photograph 4 shows part of the boundary of the application site; currently there is mature vegetation along the boundary leading to the access of 15 and 17 Saval Lane where a wall is present along the boundary. Again, the topography is evident from the photograph and shows a steep drop to Saval Lane.

- 1.5. The application site does not lie within close proximity to any natural or historic features.

**2.0. Planning Policies and Material Considerations.**

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

Banbridge, Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 3 Access Movement and Parking

DCAN 15 Vehicular Access Standards

Planning Policy Statement 21 Sustainable Development in the Countryside

Building on Tradition Sustainable Design Guide

**3.0. Site History**

- 3.1. Whilst there are no specific planning applications for development on the application site, it was incorporated into the boundary of a number of previous applications. These are set out in the table below. Further, the planning history of the immediate properties have also been set out below.

**Planning History Table**

Reference	Location	Proposal	Status
<b>Applications within the red line boundary of application site</b>			
LA07/2020/1068/F	11 Saval Lane Newry	Retention of existing domestic garage and	Approved

	BT34 1FL	one wall handball court and extension to existing site curtilage.	
P/2002/0058/RM	Turnavall Road, Savalmore, Newry - 520 metres North East of junction with Coalpit Road	Erection of dwelling and detached garage	Approved
P/2001/0977/O	Turnavall Road, Savalmore, Newry - 520m NE of junction with Coalpit Road	Site for dwelling and garage	Approved
<b>Close Proximity to Application site</b>			
P/2007/1191/RM	580 metres north-east of junction with Coalpit Road, Turnavall Road, Savalmore, Newry	Erection of dwelling and garage	Approved
P/2003/0471/F	Turnavall Road, Saval More, Newry (450m from the junction with Coalpit Road)	Erection of dwelling and garage	Approved
P/2003/0376/O	Turnavall Road, Savalmore, Newry (580m north-east of junction with Coalpit Road)	Site for dwelling	Approved
P/2002/1538/O	Turnavall Road, Savalmore, Newry (500m North East of junction with Coalpit Road)	Site for dwelling and garage	Approved
P/1999/1434/O	Turnavall Road, Savalmore, Newry, 400m N.E. of its junction with Coalpit Road	Site for dwelling	Approved

**3.2.** As referred to above, there are dual/parallel entrances and driveways serving Nos 15 and 17. It is also noted the access serving No.17 is not in accordance with the approved plans. This matter has been referred to the Planning Department's Enforcement Section for further investigation.

#### **4.0. Consultations**

**4.1.** Consultations were issued to the following consultees on the 18<sup>th</sup> May 2021.

DFI Roads - No objections in principle to a dwelling subject to condition.

NI Water – Set out standing advice in relation to the proposed dwelling on the application site.

## **5.0. Objections and Representations**

- 5.1.** The application was advertised in the local press on the 12<sup>th</sup> May 2021. Two neighbours were notified on the 19<sup>th</sup> May 2021. No objections or representations have been received to date (19<sup>th</sup> November 2021).

## **6.0. Assessment:**

### **Banbridge, Newry and Mourne Area Plan 2015**

- 6.1.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan as the Council has not yet adopted a LDP. The site is located outside the settlement development limit of any designated settlement as illustrated on Map 3/01 of the plan.

### **Strategic Planning Policy Statement**

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

### **PPS21 'Sustainable Development in the Open Countryside'**

- 6.3.** Policy CTY1 of PPS 21 states that there are a range of types of development in principle which are considered acceptable in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8.

### **CTY8 – Ribbon Development**

- 6.4** Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient to accommodate



up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy further states that for its purposes, the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

- 6.5.** In order to fully assess the proposal against CTY 8 it is considered that the following steps, (as identified by PAC in appeal decision 2016/A0040), are appropriate:
- Identify whether there is a substantial and continuously built-up frontage.
  - Establish whether there is a small gap site.
  - Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
  - Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).
- 6.6.** As stated above, the proposed application site boundary forms part of an agricultural field which extends along Saval Lane. The land rises sharply from No 11, a detached dwelling and outbuilding to the paired accessways serving Nos 15 and 17, two dwellings set back from Saval Lane, before falling sharply along Saval Lane to 2 further dwellings further to the south-west, Nos 19 and 21 Saval Lane.
- 6.7.** The application is accompanied by a Concept Plan, an aerial/drone view, in which the applicant seeks to demonstrate that the application site, together with that portion of an adjacent agricultural field, referred to at Para 6.6, forms part of such a gap site within an existing frontage.
- 6.8.** The Planning Department accepts that there has been pressure for development in the immediate vicinity of the site, with more than 3 dwellings present to either side of the site. The Planning Department, however, does not accept this represents a substantial and built-up frontage, in the context of CTY 8, given the separation distance between No 11 and Nos 19/21 Saval Lane and

the nature of the intervening topography and road alignment. It is considered that the existing building-to-building distance between Nos 11 and No 19, along Saval Lane, is excessive and does not constitute a small gap site as intended by CTY 8 and this is further accentuated by the topography of the application site.

**6.9.** Viewed from above (birds eye view), as suggested by the applicant, the application may appear as a gap-site, however the critical view is from the ground and the adjacent roadside, at Saval lane. From here, given the specific site circumstances and context, in particular the curvature of the road, the topography of the site and the positioning of adjacent buildings, the site does not appear as a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. Indeed, it is considered that the application site upon which this application relates currently serves as an important visual gap between existing dwellings and this is accentuated given its complex topography, elevated nature and road configuration.

**6.10** The applicant has also sought to demonstrate, through the submission of a 'drone image' with annotated dimensions, that the proposed infill sites would respect the existing development pattern in terms of plot sizes. The Planning Department, for completion purposes, has assessed the existing and proposed plot sizes as follows:

- Number 11 Saval Lane 73.3m
- Proposed site 2 (drawing P02- application site) 62.7m
- Proposed Gap Site 1, (drawing P02- application site) Gap 36.8m
- Number 19 Saval Lane 67m
- Number 21 Saval Lane 47.4m

**6.11.** The Planning Department considers that this assessment based, as it is, on a narrow, mathematical exercise, is flawed and does not represent a valid planning approach. Any assessment of a proposed 'gap site' against the existing settlement pattern, must also include a detailed analysis of the

associated characteristics of the site and its immediate context on the ground. It is only through such a broad-based assessment, including a site visit that a sound, robust and reliable assessment of the proposal can be made against the requirements of Policy CTY 8 in terms of size, scale, siting and plot size. As a consequence, while it may appear from the mathematical exercise, as carried out by the applicant, that the proposed plot sizes, are comparable to the existing plot sizes, limited weight can be attached to this exercise, in the absence of a more detailed appraisal on the ground, for the reasons already discussed at Paras 6.8 and 6.9 above.

- 6.12.** It is also considered, given its topography, that any future dwelling on the site would appear crammed into the site and the resultant development would not respect the existing development pattern, given the change in levels across the site, when compared to the sites on either side.
- 6.13.** For all of these reasons it is considered that the proposed development would not respect the existing development pattern along Saval Lane.
- 6.14.** Within the surrounding area there are varying dwelling sizes between storey and a half and two storeys. The dwellings are located along Saval Lane. The detailed design and finishes of the dwelling are not available at this stage as this application is an outline application any details and finishes would be assessed at reserved matters stage.
- 6.15.** Policy CTY 8, as referred to above, also requires that a proposal, to be acceptable under this policy, must meet other planning and environmental requirements. Paragraph 6.70 of the SPPS which sets out the regional strategic policy for Development in the Countryside is also material in this regard when it states *all development in the countryside must integrate into its setting, respect rural character and be appropriately designed*. As set out above, the application site rises steeply from east to west to the crest of a local hill beyond which the topography falls sharply further towards the west and a detached dwelling, No 19 Saval Lane. The site also rises from its southern boundary with Saval Lane, towards the north. As a result of this complex and difficult topography it would not be possible to integrate any future development on the site. To do so would require significant engineering of the site, including cut and

fill and the creation of retaining walls. This is contrary to policy and as a result it is considered that the proposal does not comply with the requirements set out in the SPPS or CTY 8, as set out above. It is also considered that, due to the extreme topography and changes in levels across the site, any future dwelling would overlook existing properties to the east.

### **Policy CTY13 – Integration and Design of Buildings in the Countryside**

**6.16.** Policy CTY 13 of PPS 21 is also material to the assessment of this application, in this regard. It states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

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

**6.17.** Whilst detailed design and finishes are not available at this outline stage it is considered, given the site's elevated and complex topography, that any dwelling located on the site, including associated ancillary works, would require a substantial amount of cut and fill. The topography of the site and the extent of work that would be required to level out the site for a dwelling to be sited is indicative of the site's unsuitability for a dwelling. Furthermore, paragraph 5.64 of PPS 21 states *a new building that relies on significant earth works such as mounding or cut and fill for integration will be unacceptable*. It is considered that

due to this the site lacks sufficient enclosure and would be prominent in the landscape. The application site would be sitting considerably at a higher elevation than number 11 and therefore the application site would not visually integrate into the landscape. Due to the significant cut and fill required even if the dwelling was to be brought to the same height at number 11 it would not justify development on this site as the process in which to do so is contrary to the SPPS and PPS 21. The proposal is unsustainable due to its impact on the landscape and is contrary to CTY13.

#### **Policy CTY14- Rural Character**

- 6.18.** Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
  - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
  - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
  - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
  - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 6.19.** This stretch of Saval Lane has already experienced built development and it is considered that the site does indeed act as an important visual gap in the landscape and between those buildings to the north-east, south-west and to the rear of the application site (15 and 17 Saval Lane). It is considered that if a dwelling was approved on the application site it would lead to a ribbon of development as well as a built up- suburban feel within this rural area. It is considered that further houses along this stretch of rural road, as is being proposed, would further erode the character of the area through excessive development. The dwelling, together with the associated ancillary works, that

would be required would be unduly prominent in the landscape. It is considered that the proposed application does not meet the criteria set out within CTY14.

### **Policy CTY16 – Development Relying on Non-Mains Sewerage**

- 6.20.** Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.
- 6.21.** As this is an outline application details of non-mains sewerage have not been provided and would be assessed within a further application on the site.

### **Planning Policy Statement 3- Access, Movement and Parking**

#### **DCAN 15- Vehicular Access Standards**

- 6.22.** Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads has confirmed no objection to the principle of the proposed development.
- 6.23.** In summary the development does not comply with the policy context set out in the SPPS, CTY8, CTY 13 and CTY 14 of PPS 21 for the reasons set out above. As a consequence, it also fails when considered against Policy CTY1 of PPS 21. There are no overriding reasons why the development is essential and could not be located in the settlement limit therefore, this application is recommended for refusal.

### **7.0. Recommendation**

- 7.1.** In light of the above, the application is recommended for refusal for the following reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and Policy CTY8 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that it is not an exception to the policy as it does not constitute the development of a small gap site within an otherwise substantial and continuously built-up frontage and would add to ribbon development along Saval Lane.
2. 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 development is essential in this rural location and could not be located within the settlement limit.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning policy Statement 21, Sustainable Development in the Countryside, in that the dwelling, if permitted would be a prominent feature in the landscape; the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; it would rely on the use of new landscaping for integration; ancillary works would not integrate with their surroundings; it would fail to blend in with the landform, existing trees, buildings, slopes and other natural features and therefore would not be visually integrated into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling if permitted, be unduly prominent in the landscape; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved dwellings; the dwelling if permitted does not respect the traditional pattern of settlement exhibited in that area; the dwelling if permitted would create a ribbon of development; the impact of ancillary works would damage rural character and there would result in a detrimental change to the rural character of the countryside.

**Informatives**

1. This refusal relates to drawing numbers: P01, P02

**Case Officer Signature: Roisin McGrane**

**Date: 19.11.2021**

**Appointed Officer Signature: M Keane**

**Date: 08-12-21**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/0953/F

**Date Received:** 24.03.2020

**Proposal:** Erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme

**Location:** Lands approx. 55m north west of 108 Leitrim Road Hilltown

**Site Characteristics & Area Characteristics:**

The site is located outside the settlement development limits as defined by the Banbridge, Newry and Mourne Area Plan 2015. The site is also within the Mourne Area of Outstanding Natural Beauty.

The site is located approx. 55m north west of No. 108 Leitrim Road Hilltown and is accessed via a long rural laneway off Leitrim Road. The application site slopes upwards east to west towards the crest of Sheep's Hill. Due to the elevated and open nature of the application site, there are critical views from Sandbank Road to the south-east. The surrounding area is rural in character with agricultural grassland, single dwellings and holdings comprising the locality.



*Application site*



*Views of the application site from Sandbank Road*

**Site History:**

There is no planning history on this site however there is history for No. 108 Leitrim Road.

P/2007/0057/F - Erection of replacement dwelling and detached garage – Permission granted

**Planning Policies & Material Considerations:**

This planning application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 16 – Tourism
- PPS 21 – Sustainable Development in the Countryside
- DCAN 15 – Vehicular Access Standards
- Building on Tradition, A Design Guide for Rural Northern Ireland

**Consultations:**

- Roads – No objections
- Water – Approval
- EH – no objections in principle to this proposal, however should the development proceed, then a consent to discharge under the Water Order 1999 shall be required.
- DAERA – farm business Id has been in existence for more than 6 years and the farm business has farm business claimed payments in each of the last 6 years.

**Objections & Representations**

The latest neighbour notification was issued 30.07.2021. The application was advertised 02.06.2021.

No objections or representations have been received to date (10.11.2021).

**Proposal:**

The proposal is for the erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme. The pods will measure 7.4m by 3.9m and will have a ridge height of 3.2m. The proposed communal pod will measure the same. The proposed finishes include; green roof construction, pre-fab walls with timber cladding, PVC windows and doors. All pods have a covered seating area to the front.

The proposal involves the cutting of land to facilitate the recessing of the pods into the land. New gravel paths are proposed within the site to provide access to the pods. Existing boundaries are to be retained and supplemented where necessary and a new dry-stone wall is proposed along the northern boundary of the site to separate the site from the host field. A 3m wide buffer of wildflowers is proposed



along all boundaries. The proposal is shown below.

**Assessment**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the Mourne AONB outside any development limits.

**Strategic Planning Policy Statement**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.

### **Planning Policy Statement 21**

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a relevant retained policy document. Policy CTY1 of PPS21 lists the types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. It indicates that planning permission will be granted for tourism development in accordance with the TOU Policies of PSRNI.

While the SPPS also contains policies dealing with agricultural diversification, these do not conflict with any retained policies and consequently the relevant policy context in respect of this development is provided by Planning Policy Statement 21 Policy CTY 11 while the content of PPS 16 is also relevant.

Following the submission of this application, it was noted that no P1C form or farm maps were submitted alongside this application despite the proposal description. Initial discussions of the application considered CTY 11 and TSM 5 and 6 of PPS 16. An email was sent to the agent 5<sup>th</sup> August 2021 outlining the fact that no supporting information in reference to the proposed agri diversification scheme was submitted. Moreover, the agent was advised that the proposal was considered to be contrary to Policy TSM 5 of PPS 16 in that it is not located within the grounds of an existing hotel, self-catering complex, guest house or holiday park; it is not to be located at or close to an existing tourist amenity and it does not involve the restoration of an existing clachan or close. The agent was also advised that the proposal is considered to be contrary to Policy TSM 6 in that due to the proposed level of accommodation provision (proposed pods were larger than those shown in the drawing above), it was not considered to be a holiday park as per the definition outlined in PPS 16.

A P1C form and farm maps were received for this application and the size of the pods reduced and a communal pod proposed as well.

*Policy CTY 11 states:*

*"Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:*

- (a) the farm or forestry business is currently active and established;*
- (b) in terms of character and scale it is appropriate to its location;*
- (c) it will not have an adverse impact on the natural or built heritage; and*
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.*

*Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.*

*Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.*

*Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.*

Within the Supporting Statement submitted alongside the application, it is outlined that “the existing buildings on this holding are all just small tin sheds...clearly unsuitable for adaptation and reuse”. During the site visit, it was noted that the adjacent farm buildings all comprised “tin sheds”. The lands outlined on the farm maps have also been checked. I am satisfied that this proposal meets the exceptionality case.

A consultation was issued to DAERA whereby DAERA stated that the farm business had been in existence for more than 6 years and had also claimed payments in each of the last 6 years. I am satisfied that the applicant has an active and established farm business (a).

Due to the elevated and open nature of the site, there are critical views from Sandbank Road. The proposal involves the cutting of land to allow the pods to be recessed into the land. The need for engineering works to try and achieve integration essentially acknowledges the fact that the proposed siting is wholly inappropriate especially within an AONB setting. It is considered that the site does not have the capacity to absorb the proposed development and visual integration into the landscape is not achievable and that effective integration into the landscape has not been achieved through the utilisation of existing natural or built features. The Department relayed concerns to the agent in relation to the proposal failing to comply with criterion (b) and (c) of CTY 11. In response, a Landscape and Visual Assessment (spouncerEcology) was submitted. The report includes a number of photographs taken of the application site from a number of different viewpoints. The report summarises that:

*“The site has limited visibility from Sandbank Road. Main receptors are 5 private dwellings. The development is contained and small. The development will have minimal impact on local landscape setting.*

*The Landscape Plan has been proposed to incorporate the following principles:*

- *The pods will be set within the landform and set within the slope.*
- *Native species planting in keeping with setting will enhance biodiversity and soften impact of development for users and adjacent land users*
- *Figure 3 sets out the Landscape Framework to include additional native planting to set new development within landscape setting and enhance biodiversity.”*

The Planning Department consider the Landscape and Visual Impact Assessment insufficient to outweigh the genuine concerns of the proposal in relation to the inappropriate location/siting (elevated and open nature of the site) which will in turn harm the character of the area and have an adverse impact on the AONB setting. The Department do not consider the proposed landscaping plan sufficient to alleviate these concerns.

Due to the isolated nature of the proposal, the department have no concerns of the proposal impacting the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

For the reasons outlined above, the Council consider the proposal to be contrary to criteria (b) and (c) of CTY 11.

Although the principle of development cannot be established at this site under Policy CTY 11, I will also give comments on the other relevant policies contained within PPS 21 – CTY 13, 14 and 16.

The proposal involves engineering works to recess the pods into the land to provide a degree of integration. The open and elevated nature of the site gives rise to critical views from adjacent public roads and viewpoints.

Para 5.64 of CTY 13 states: "A building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development. Similarly, a new building that **relies on significant earth works, such as mounding or cut and fill for integration will be unacceptable.**"

Para 5.65 goes on to state: "Due to the widespread views generally available in flat landscapes or **exposed hill areas** it is all the more important to ensure that new buildings integrate well with their surroundings. **In such areas, poor siting and design carries with it a greater potential for adverse impact on visual amenity and rural character. Particular care is therefore required in site selection so that new buildings will integrate into these landscapes.**"

For the reasons outlined above, the proposal is considered to be contrary to criteria (c), (d) and (f) of Policy CTY 13.

The proposal involves the continuation of the existing laneway into the application site to provide access. The elevated nature of the site and the vulnerability of the landscape means that the site would not have capacity to absorb the proposed ancillary works. IT is considered that the proposal would erode the rural character of the countryside and the proposal is considered contrary to criterion (e) of CTY 14.

A septic tank has been outlined as the means of sewerage. If the application were to be approved, a Consent to Discharge condition will be attached to ensure that CTY 16 is complied with and to protect the environment.

### **Planning Policy Statement 16**

Within the Design and Access Statement submitted alongside the application, the agent also refers to Policy TSM 6 of PPS 16 if the principle of development cannot be established under Policy CTY 11. Although the proposed description refers to a

proposed agri-tourism scheme which therefore engages Policy CTY 11, I will also give comment on the relevant tourism policy.

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for tourism development in accordance with the TOU policies of the PSRNI. However, those policies have since been superseded by the provisions of Planning Policy Statement 16 – Tourism (PPS16). It follows that if the development complies with the relevant provisions of PPS16 it will comply with Policy CTY1 of PPS21.

Policy TSM 6 - New and Extended Holiday Parks in the Countryside is applicable.

*“Planning permission will be granted for a new 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.”*

The policy outlines criteria (a)-(g) that must be met in order for planning permission to be granted.

the proposal to fail criteria (a) and (b) of the policy in that the open and elevated nature of the site does not have the capacity to absorb the proposed development and visual integration into the landscape is not achievable and that effective integration into the landscape has not been achieved through the utilisation of existing natural or built features. The policy provisions reflect the importance of landscaping in order to achieve high quality development that integrates into the landscape and respects the surrounding rural context.

As outlined above when assessing the application under the policies within PPS 21, it is considered that due to the open and elevated nature of the site, the site does not have the capacity to absorb the proposed development and visual integration into the landscape is not achievable and that effective integration into the landscape has not been achieved through the utilisation of existing natural or built features.

Para 7.31 of TSM 6 states “Appropriate site selection is therefore crucial in order to ensure visual integration into the landscape and to avoid detrimental impact upon environmentally sensitive sites.”

It is considered that the proposal fails to comply with criteria (a) and (b) of Policy TSM 6 in that the proposal including the engineering works and ancillary works will have an adverse impact on the visual amenity and rural character of the area. Moreover, effective integration into the landscape is not achievable. The proposed cutting of land to allow the pods to be recessed into the steep topography of the site acknowledges the fact that works needs to be carried out to try and achieve integration at this open and elevated site. It is considered that the site selection is not appropriate. The proposed recessing of the pods into the land and proposed landscaping is not



considered to negate concerns in relation to visual integration and detrimental impact upon environmentally sensitive sites.

Consideration was given to the Visual Impact Assessment that was submitted. Again, as outlined above, the Planning Department consider the Landscape and Visual Impact Assessment insufficient to outweigh the genuine concerns of the proposal in relation to the inappropriate location/siting (elevated and open nature of the site) which will in turn harm the character of the area and have an adverse impact on the AONB setting. The Department do not consider the proposed landscaping plan sufficient to alleviate these concerns.

### **Planning Policy Statement 2**

The application site is located within an Area of Outstanding Natural Beauty and as such Policy NH6 is applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It is considered that the siting of the development will harm the character of the area and will have an adverse impact on the AONB setting. The open and elevated nature of the site means that there are critical views from various public view points. It is considered that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty.

### **Planning Policy Statement 3**

The application proposes to use an existing laneway off Leitrim Road and DFI Roads have raised no objections. The proposal will result in the intensification of the use of an existing access, but this is considered to be a minor intensification as the proposal will not be used for permanent residential accommodation. The proposal is considered to be in accordance with Policy AMP2.

### **Recommendation: Refusal**

#### **Reasons for refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - (b) the character and scale of the development is not appropriate to its location);
  - (c) the development, if permitted, will have an adverse impact on the natural heritage.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - (c) it relies primarily on the use of new landscaping for integration;
  - (d) ancillary works do not integrate with their surroundings; and
  - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - (d) the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the area.
5. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage in that:
  - (a) The siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in which it is located within.
6. The proposal is contrary to Policy TSM 6 of Planning Policy Statement 16, Tourism in that the location and layout does not respect the surrounding landscape and rural character and:
  - (a) the site is not located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
  - (b) effective integration into the landscape cannot be secured primarily through the utilisation of existing natural or built features.

**Case Officer Signature: Eadaoin Farrell**

**Date: 11.11.2021**

**Appointed Officer Signature: M Keane**

**Date: 11-11-21**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/1567/F

**Date Received:** 8<sup>th</sup> October 2020

**Proposal:** Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works

**Address:** Ballyholland Harps GAA grounds Bettys Hill Road  
Ballyholland Newry BT34 2PL

## 1.0 SITE AREA AND CHARACTERISTICS

1.1 The application site is partly located within the development limits of Ballyholland (BH01) and partly on rural lands with no additional designations. The portion of the site within the settlement limit is zoned as a major area of open space, as identified by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) under Map No. 3/02a.)

1.2 The area is varied in terms of character, with recreational and residential uses on and surrounding the site. There is an existing housing development directly north of the application site, with low-medium density development primarily in the settlement limit to the north and additional dwellings located further north-west and east of the site. The site also adjoins an existing community centre building and playground to the east.

Lands to the south, east and west have a more dispersed settlement pattern and are more rural in nature. There are agricultural buildings immediately south of the site, with several detached dwellings further south of these again. The site adjoins open countryside to the west, with a steep drop in ground level at this point. There is a detached dwelling located further west of this area, some 40m west of the application site and which is sited on higher ground.

1.3 The site boundary (as amended) encompasses the existing GAA playing fields and associated facilities, together with additional lands directly west of this, currently disused scrub land. This area is largely overgrown and in poor condition at present.

## 2.0 SITE HISTORY

LA07/2020/0109/PAN - Ballyholland Harps GAA Grounds, Bettys Hill Road, Newry, BT34 2PL - Development of new grass Training Pitch with floodlighting and ball stops, new multi-use games area with ball wall, new walking jogging trail with pedestrian access at Innisfree Park and existing playground/Community Centre – PAN ACCEPTABLE

LA07/2019/1812/PAD - Bettys Hill Road, Newry, BT34 2PL - Proposed New Pitch, PAD CONCLUDED

P/2012/0618/F - Ballyholland GAA, Bettys Hill Road, Newry, BT34 2PL - Proposed alterations, extension and reorientation of existing junior football pitch, with adjacent new 3G multisport pitch, new grass training pitch, provision of new flood lighting, ball stops, PERMISSION GRANTED 10.07.2014

P/2011/0333/F - Ballyholland GAA, Bettys Hill Road, Newry, BT34 2PL - Extension and alterations to existing changing room facilities to provide additional changing rooms gymnasium and public toilet, PERMISSION GRANTED 20.06.2012

P/2007/0208/F - Ballyholland Harps Social Club, Bettys Hill Road, Ballyholland, Newry - Demolition of existing hall and erection of two storey building to include new bar and lounge, PERMISSION GRANTED 10.10.2007

P/2004/2643/F - Playing fields at The Commons,(Park A) Ballyholland, Newry - Erection of additional loop style fencing (1300mm high) within the curtilage of the existing playing field, PERMISSION GRANTED 18.02.2005

P/2002/0618/F - Adjacent to Football Pitch at Betty's Hill Road, Newry - Provision of covered terracing area, PERMISSION GRANTED 29.07.2002

P/1997/0832 - BALLYHOLLAND COMMUNITY CENTRE INNISFREE PARK BALLYHOLLAND - Erection of replacement Community Centre, PERMISSION GRANTED 19.09.1997

P/1996/0691 - BALLYHOLLAND HARPS G.F.C BETTYS HILL ROAD BALLYHOLLAND NEWRY, Extension to existing G.A.A Club to provide a youth club and weights room, PERMISSION GRANTED 16.05.1997

P/1993/0036 - ADJACENT TO (IMMEDIATELY NORTH OF) BALLYHOLLAND GAC BETTYS HILL ROAD NEWRY - New playing field, PERMISSION GRANTED 26.07.1993

P/1987/0674 - NO13 BETTYS HILL ROAD NEWRY - Extension to Social Club, PERMISSION GRANTED 07.08.1987

P/1987/0182 - ADJACENT TO INNISFREE PARK BALLYHOLLAND NEWRY- Temporary Community Centre, PERMISSION GRANTED 09.04.1987

P/1986/0313 - BALLYHOLLAND GAA CLUB, BETTYS HILL ROAD, NEWRY - CHANGING ROOMS, PERMISSION GRANTED 16.05.1986

P/1986/0784 - BALLYHOLLAND GAC, BETTYSHILL ROAD, BALLYHOLLAND, NEWRY - FOOTBALL PITCH, PERMISSION GRANTED 10.10.1986

P/1986/0558 - ADJACENT TO INNISFREE PARK, BALLYHOLLAND, NEWRY, TEMPORARY COMMUNITY CENTRE, PERMISSION GRANTED 31.07.1986

P/1983/1027 - GFC SOCIAL CLUB, BALLYHOLLAND, NEWRY - EXTENSION TO SOCIAL CLUB, PERMISSION GRANTED 18.01.1984

P/1982/0109 - COMMONS UPPER, NEWRY - PROPOSED COMMUNITY HALL AND PAVILION, PERMISSION GRANTED 15.04.1982

P/1977/0561 - BALLYHOLLAND - PROPOSED UPGRADING OF EXISTING PLAYING PITCH, PERMISSION GRANTED 09.08.1977

P/1975/0524 - UPPER COMMONS, NEWRY - PROPOSED EXTENSION TO CLUB ROOMS, PERMISSION GRANTED 09.01.1976

#### **Enforcement records:**

LA07/2020/0346/CA - Ballyholland GAA, Bettys Hill Road, Newry, Down, BT34 2LY - Alleged unauthorised floodlighting causing a nuisance to local residents – CASE CLOSED 17.11.2021 (No breach.)

LA07/2015/0016/CA - Ballyholland Football Grounds, Ballyholland Road, Ballynacraig, Newry - Alleged unauthorised development – CASE CLOSED 08.01.2016 (No Breach.)

P/2012/0096/CA - Ballyholland, Newry, Co Down - Alleged unauthorised deposition of waste material, CASE CLOSED 14.08.2014 (Planning permission granted.)

### **3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:**

The NI Regional Development Strategy 2035 (RDS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

A Planning Strategy for Rural Northern Ireland (PSRNI) (Policy DES2)

#### **Planning Policy Statements:**

PPS2 – Natural Heritage

PPS3 – Access, Movement & Parking

PPS6 – Planning, Archaeology and the Built Heritage

PPS8 – Open Space, Sport and Outdoor Recreation

PPS15 (Revised) – Planning and Flood Risk

**Further guidance:**

DOE Parking Standards

**Other:**

Third party representations

Site history

#### **4.0 CONSULTATIONS**

NMDDC Environmental Health Dept (final response dated 28/01/2022) – Additional information considered. Proposal acceptable, subject to necessary conditions being adhered to in the interest of residential amenity.

**DAERA**

- Water Management Unit (WMU) (Response dated 26/01/2021) – WMU has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained
- Regulation Unit (RU) (response dated 27/08/2021) - A Generic Quantitative Risk Assessment has been provided by MCL Consulting in support of this application. RU has no objection to this development subject to necessary conditions and Informatives being attached to any Decision Notice, should the application be approved.
- Natural Environment Division (NED) (final response dated 15/12/2021) has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions

DfI Roads (final response dated 25/10/2021) - No objections, on the basis that Planning are content there is sufficient in-curtilage parking for the proposal and that the information supplied in P1 form, Question 25 is deemed accurate.

DfI Rivers Agency (final response dated 09/03/2021) - No objections, with relevant informatives attached to meet PPS15 (Revised) requirements.

NI Water (26/11/2020) - Public water supply within 20m and has capacity to serve this proposal. Application to NIW is required to obtain approval to connect. No foul sewer connection required for this application Applicant proposes to discharge surface water within site soakaway – informatives attached.

## 5.0 OBJECTIONS & REPRESENTATIONS

- 5.1 The application was initially advertised in one local paper on 10<sup>th</sup> November 2020 and re-advertised on two occasions (26<sup>th</sup> January 2021 and 6<sup>th</sup> October 2021) following receipt of additional and amended information. The statutory advertising period expired on 20<sup>th</sup> October 2021.
- 5.2 20 neighbouring properties in total were notified of the application by letter on 10<sup>th</sup> November 2020 and re-notified on four occasions (26<sup>th</sup> November 2020, 12<sup>th</sup> January 2021, 21<sup>st</sup> September 2021 and 26<sup>th</sup> January 2022) following receipt of amended drawings and additional information. The statutory neighbour notification period expired on 9<sup>th</sup> February 2022.
- 5.3 7 No. objections have been received at the time of writing this report. This includes 3 no. objections submitted by the same representative and a letter of objection prepared by an independent planning consultant on behalf of a third-party objector.

## 5.6 Summary of Objections

The following is a summary of the material planning issues raised in the objections to date, with the detailed objections on file for full consideration:

### 5.6.1 Natural Heritage and Environmental:

- The proposal will have an irreversible detrimental impact on this area of conservation and biodiversity;
- Protected Species rely on this area of biodiversity to breed and survive and the area must be protected;
- An independent environmental study must be carried out;
- An investigation should be carried out into the groundwater level below the proposed field of up to 3m, potential flooding / pollution, biodiversity impact, wildlife habitat and protected species impact, structural ground concerns;
- The construction and positioning of gabion wall/s in relation to the existing watercourse would have a detrimental impact on the existing wildlife and ecosystem;
- The proposed flood lights would shine on water and bogland where protected species feed;
- In relation to PPS2, the proposal will have a detrimental impact on existing habitat due to light and noise pollution and extensive land works along the eastern boundary including removal of grass land and mature vegetation;
- The proposed works (including extensive ground works) will result in pollution to the existing bogland, which must be protected;

### 5.6.2 **Several specialist reports have been prepared by suitably qualified independent consultants (as submitted by the applicant) throughout the processing of this application, to satisfy the necessary planning**

policy requirements. This includes a Preliminary Ecological Appraisal, Invasive Species Management Plan, Breeding Bird Survey, Bat Emergence Survey, Newt Survey and Mitigation Plan, Surface Water Management Plan, Preliminary and Generic Quantitative Risk Assessment.

In consultation with DAERA, who are the competent authority on matters relating to Natural Heritage (Natural Environment Division) and impact on the water environment (Water Management Unit,) it has been determined that the proposal would not result in an unacceptable impact on conservation, biodiversity, would not harm any protected species and would not result in any unacceptable risk to the water environment, subject to necessary planning conditions being complied with. Further consideration of these matters is included in the detailed assessment below, with determining weight given to the advice of DAERA, who are the competent authority to advise on these matters.

#### 5.6.3 Sewerage, Flood Risk, Drainage and impact on watercourse and ground water:

- Has the applicant received approval from Rivers Agency for the proposed culvert of land works in close proximity to the existing watercourse?
- The proposed culvert will impact on natural water flow from existing bog land;

5.6.3 DfI Rivers Agency has noted that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973, however the site may be affected by an undesignated watercourse, of which DfI Rivers Agency has no record. DfI Rivers Agency has also advised in their comments dated 9<sup>th</sup> March 2021 that Policy FLD4 (Artificial Modification to Watercourses) is not applicable to this site, therefore comments in relation to DfI's consent for proposed culverting works are not considered relevant.

DAERA's Water Management Unit has the responsibility for the protection of the water environment whilst DAERA's Inland Fisheries is responsible for the conservation and protection of fishery resources. DAERA has assessed the potential impact on the water environment including the detailed GQRA provided and offer no objection to the proposal, subject to conditions being complied with in relation to the discovery of contaminants or new risks to the water environment, during works being carried out.

In considering these concerns, determining weight is given to the statutory advice of DAERA and DfI Rivers Agency in relation to these matters.

#### 5.6.5 Visual Amenity / Local Character:

- Proposed retaining walls (including up to 6m high) proves the proposal does not fit within the landscape. Extensive land works together with



rising topography will not allow for the development to be readily absorbed into the landscape;

- Major land works are outside the settlement limit and should be compliant with PPS8 Policy OS3;
- There is no indication of any landscape treatment to the north and eastern site boundary;
- Scale of proposal is inappropriate to the local area and is unsympathetic to the surrounding environment in terms of siting and layout

**5.6.6 In considering the impact of the development on the local area (including surrounding rural area) the development is considered in the context of the existing development, which includes a substantial terrace structure, readily visible on approach along Ballyholland Road. The proposed development is located on lower ground relative to the existing development and is proposed to be softened with landscaping, including the planting of new native species trees along the western boundary of the application site. The proposal offers a betterment of the site in terms of visual enhancement and for reasons considered in more detail below under both PPS21 and PPS8, on balance, it is concluded that the proposal would not result in any demonstrable visual harm when considered in the context of the existing development and surrounding context.**

**5.6.7 Residential Amenity / Anti-social behaviour:**

- The location and size of the development will cause unacceptable harm (which cannot be mitigated against) to surrounding residents – which can be avoided through a reduction in scale, screening with evergreen trees, reduce the time of and type of lighting used;
- The proposed flood lighting will have a significant impact on neighbouring land and residents, including loss of private amenity;
- Noise pollution will cause unacceptable impact to neighbouring properties. The Noise Impact Assessment indicates that the most noise is measured on the side lines, an area which is close to an existing residential area.
- The development will impact on the privacy of surrounding residents;
- The development will have a detrimental impact on surrounding residents' way of life, mental health and wellbeing;
- The proposal will affect neighbouring land and could give rise to vandalism and litter;

**5.6.8. In consultation with the Council's Environmental Health Department, following the provision of additional information to assess these matters in detail (including the provision of clarification on the zoning of the site and additional detailing in relation to the proposed floodlighting) it has been concluded that conditional to the controlled use of the flood lighting, the proposal would not result in any unacceptable degree of noise or light pollution to surrounding residents.**

**Further consideration of these matters is included in the detailed**

**assessment below, with determining weight given to the advice and guidance from Environmental Health Department, the competent authority in advising on such matters.**

#### 5.6.9 Anti-social Behaviour

- Several residents from Innis Free Park object to the existing pedestrian access gate from the application site leading to Innis Free Park being 're-opened,' (proposed layout plan show this pedestrian access to be maintained,) with the existing gates having been closed over the last two years as a result of the ongoing health pandemic.

The objections relate to high levels of anti-social behaviour and activity arising from this access, including being used as a short cut to the rear of the community centre and playpark. The levels of anti-social behaviour are reported to be unacceptable to the extent where it is impacting on the health and wellbeing of residents. They note that the existing alternative access off Betty's Hill Road is sufficient to access the community centre and playground and urge that the pedestrian gate remains closed. All of the objections concerning this issue stress their support for the development as a whole, with their objections solely relating to the re-opening of the pedestrian gate connecting Innis Free Park and the application site.

**5.9.10 Whilst the Local Planning Authority acknowledge the above concerns, the use of the pedestrian gate is a property management issue which is beyond the control or remit of the Planning Department. As a section of the land is owned by Council and leased to Ballyholland GAA Club, these matters will be referred to the Council's Estate Management Department to address going forward.**

#### 5.6.11 Agricultural land and activities

- Due to introduction of new flood lighting close to the boundary, there will be light pollution to the existing agricultural land and outbuildings on neighbouring land;
- The noise pollution generated from the western side line of the proposed playing field will impact on neighbouring agricultural land which is used for horse breeding;

**5.6.12 The planning policy requirements for flood lighting are set out under PPS8 (OS7.) Whilst the objector's concerns are noted in relation to the impact of flood lighting on neighbouring agricultural land and outbuildings, there is no provision in OS7 which would warrant a refusal on this basis.**

As noted under PPS8 (OS5) consideration below, despite the potential for noise disturbance from the proposed development, the proposal is not considered to constitute a 'noisy sport' having regard to the types of 'noise generating' activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

**Whilst the proposal is likely to generate a degree of noise disturbance whilst in operation as detailed in the Noise Impact Assessment, the nature of the proposal is unlikely to be disruptive to livestock and wildlife, including the use of neighbouring agricultural land.**

**Whilst the concerns are noted and considered, determining weight is given to the planning policy requirements in this regard and there is not considered to be any grounds for concern in relation to the above.**

#### **5.6.13 Road Safety and Pedestrian Safety**

- The proposal will worsen existing traffic issues in Ballyholland. A smaller development on alternative available land would be much safer;

**5.6.14 Following clarification on these matters, including parking availability for the facilities and expected increase in traffic volumes visiting the application site as a result of the development. It has been noted that the proposal is not expected to generate any increase in traffic visiting the site as it relates to an extension of the club's training facilities. DfI Roads offer no objections to the proposal on road safety grounds. Determining weight is therefore given to the advice of the statutory consultee (DfI Roads) in this regard.**

#### **5.6.15 Application Detailing**

- The proposal description refers to 'training pitch' but the drawings refer to 'playing field' showing a scale of field which would be classified as a 'full sized playing field.' The nature of development is different for competitive games than team members training ( i.e. different types of activities, intensity, amount of participants and spectators, operational hours, lighting requirements)
- Drawing No. T-06.17-03 Rev p2 ('Details / Sections') shows a section through the proposed larger gabion wall. However the drawing fails to indicate the application site boundary and relationship to existing out-buildings at 21 Ballyholland Road and surrounding area;
- The 'Proposed Site Plan and Landscaping' drawing indicates a 2m wide jogging trail in close proximity to this wall. Section AA on Drawing No. T-06.17-03 Rev p2 ('Details / Sections') fails to show the required space for it between the training field and gabion wall;
- The Site Plan does not appear to be showing the full footprint of the gabion wall and area required for foundations / groundworks to construct the 6m high gabion wall;
- In relation to luminaire schedule and lux level contours, the proposed Site Plan fails to show location of 25 lux and below as presented on the proposed lighting layout;
- NIEA's comments dated 7<sup>th</sup> October 2021 were based on inaccurate information showing only 1 lux level outside the applicant's site boundary. Planning should clarify this and reconsult NIEA;
- The accuracy of the Noise Impact Assessment is queried in relation to references to distances between existing properties and the potential impact from side-lines as proposed

- High levels of noise generated at the side of the pitch have not been considered in the Noise Impact Assessment on the boundary with 21 Ballyholland Road, which has agricultural land used for horse breeding;

**5.6.15** The Planning Department must assess the proposal as described which in this case is *“Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works.”* Should the development be approved, it would have permission only for the operational use as described.

Drawing No.01 – ‘Proposed Lighting Layout’ has been submitted to the Council since this objection was received (to assess the impact on residential amenity.) This additional drawing details the site layout in relation to surrounding development, including the out-buildings at 21 Ballyholland Road, with a separation distance of c.12.5m from the proposed retaining wall and the closest point of these existing buildings. The Planning Department do not consider any further information is required to assess the proposal in context to the surrounding development and third-party lands in this regard.

The 2m wide jogging trail is included on section AA under the area labelled ‘run off.’

Details of the groundworks in relation to the proposed 6m retaining wall are clearly indicated on Section AA of Drawing No. T-96.17-03 which also includes the proposed Site Layout detailing, which is considered sufficient in terms of the proposed detailing;

Since this objection has been submitted, further detailing in respect of lighting has been provided – including Drawing 01 ‘Proposed Lighting Layout,’ which details the lighting plot for floodlighting (including light levels on adjacent residential property amenity spaces.) A photometric report for lighting levels has also been provided. The additional information is considered sufficient to accurately assess the impact of the proposed lighting on residential amenity;

DAERA NED in their comments dated 27<sup>th</sup> August 2021 requested amended Landscape Plans showing the location of additional tree planting within an area of land subject to no greater than 1 lux of light-spill as a means of compensation for the artificial illumination of existing mature vegetation. Drawing No. BGAA-JNP-00-SI-DR-A-0002 (Proposed Site Plan and Landscaping) has subsequently been provided, which details the 1 lux contour in relation to proposed landscaping. DAERA were consulted on two further occasions since this information was submitted and has raised no further concerns in relation to the artificial illumination, with their comments dated NED are content that the Proposed Site Plan & Landscaping drawing submitted shows light spill of 1 lux around areas of existing vegetation and proposed areas for planting.

The inaccuracy within the Noise Impact Assessment (NIA) is noted. The NIA has been reviewed by Environmental Health, who has considered the expected noise levels associated with the proposed activities (including side line activity) and has no objection in relation to noise impact subject to conditions on the use of the facility (discussed in further detail in PPS8 assessment below.)

The concerns around noise impact on land (including agricultural) to the west are noted, including the suggestion that the NIA fails to consider this element (i.e. the midway from the side-line); the NIA primarily relates to the impact on residential amenity and as noted above, Environmental Health confirm that the impact on all surrounding residential properties has been considered. The proposal is not considered to constitute a 'noisy sport' that would impact on surrounding agricultural activity.

#### 5.6.16 Other

- An alternative site is available which would be more appropriate and acceptable to policy requirements (will not impact on any neighbouring properties, the environment / biodiversity if controlled properly;
- For the 6m high gabion wall to be constructed, foundations would need to be located much closer to the site boundary, which would very close to or within the existing watercourse, leading to structural problems. The works will require excavation works on the boundary of the applicant's land or encroaching onto neighbouring lands. Given the proximity of the wall to third party lands, it is unclear how it will be constructed;
- The edge of the proposed 2m high gabion wall is shown to run along the site boundary. Therefore the base of the wall would need to be constructed on third party lands relating to 23 Ballyholland Road;
- The impact on potential future (including residential) development rear of 23 Ballyholland Road and west of the site, given close proximity of the training field to the shared boundary;

**The Planning Department's role is to assess the application as submitted. For reasons set out in the detailed assessment, the proposal is considered acceptable to prevailing planning policy requirements and the Planning Department would have no policy basis to reasonably request an alternative site for the development.**

Proposed works in relation to the two retaining walls are shown to be located within the application site boundary, with the 2m high retaining wall close to / on the boundary and the 6m high wall located c.4m from the site boundary. As noted, DAERA Water Management Unit are content with the proposal concerning the ground water environment. Comments in relation to the construction and use of third-party lands is a civil matter, beyond

the remit of the Planning Department. Notwithstanding this an informative will be applied to highlight that works shall be contained within lands of their ownership and control.

The Planning Department must assess the application in the context of the current circumstances including existing and approved development. Planning history records show there are no approvals on the adjacent land that would be impacted as a result of the proposed development.

#### 5.6.17 Non-material concerns:

The following issues are not material planning issues and cannot therefore be afforded any determining weight in this assessment:

- Reference is made to the pledges made by MLAs and Local Councils in protecting all habitats and wildlife (reference to NMDDC's Local Biodiversity Action Plan 2018-2022) – **this document is not Planning Policy and the relevant Planning Policy to assess impact on Natural Heritage is contained within Planning Policy Statement 2 - Natural Heritage – PPS2**
- Reference is made to the proposal being contrary to the 'Countryside Recreation Strategy' – **this document is not Planning Policy**
- Costs involved in developing the proposal, including suggested alternative site
- Impact on surrounding property values

5.6.18 **In summary, all objections have been considered in full. Additional and amended information has addressed concerns regarding application detailing. Consideration has been given to the concerns in relation to residential amenity (by way of noise and light pollution,) however it is concluded that these issues can be mitigated / controlled by way of necessary planning conditions as advised by Environmental Health. Concerns around anti-social behaviour are resulting from a management issue which is beyond the remit or control of the Planning Authority, however this issue will be brought before the Council's Estate Management Department. Determining weight also given to the relevant statutory consultees in relation to natural heritage / biodiversity, ground water, contamination, flood risk, drainage, as considered further below.**

## 6.0 CONSIDERATION AND ASSESSMENT:

### 6.1 Summary of Proposal

6.1.1 The application seeks full permission for a proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works. The site location plan together with existing and proposed site layout plan are included in Annex A.

## **6.2 Regional Policy Considerations**

- 6.2.1 The RDS seeks to create healthier living environments and to support healthier lifestyles by facilitating access to a range of opportunities for recreational and cultural activities and by promoting physical recreation as a basis for good health for all.

## **6.3 Relevant Planning History and the SPPS**

- 6.3.1. The historical approval on this site by virtue of P/2012/0618/F (Proposed alterations, extension and reorientation of existing junior football pitch, with adjacent new 3G multisport pitch, new grass training pitch, provision of new flood lighting, ball stops, permission granted 10/07/2014) is material to this consideration. This former approval includes development both within (on lands zoned as major area of established open space) and out-with the development limits (including a multi-purpose training pitch and larger junior pitch.) The proposal was considered acceptable to both PPS8 and PPS21 requirements.
- 6.3.2 Since this approval, the SPPS has been introduced (September 2015) which is a material consideration in the assessment of all planning applications. Therefore it's necessary to consider whether the SPPS introduces any new policy changes since the previous assessment under P/2012/0618/F.
- 6.3.3 The SPPS reinforces the requirements of PPS8 with a presumption against loss of open space and directs that any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact (Para 6.205.) The requirements of the SPPS are considered below together with the prevailing policy requirements of PPS8.

## **6.4 Development Plan Considerations (BNMAP 2015)**

- 6.4.1 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.
- 6.4.2 BNMAP 2015 identifies the site as being partly within the settlement development limits of Ballyholland (BH01) and partly in the countryside, with the portion within the settlement limits also identified in the Plan as a major area of existing open space. A copy of the relevant Map is included in Annex B.
- 6.4.3 Policy SMT2 of BNMAP 2015 directs that zoned land will be developed in accordance with all prevailing regional planning policy and with any relevant Plan Policies and Proposals, including, where specified, key site requirements. Major areas of existing open space, sport and outdoor recreation as identified, are safeguarded under Policy OS1 of PPS8 – Open Space, Sport and Outdoor Recreation.

**6.4.4 Having regard to The Plan, prevailing planning policy requirements and full list of material considerations above, the determining issues in this assessment relate to the following, with a detailed assessment expanding on each of these considerations below:**

- **The principle of development and suitability of proposed detailing, including impact on the countryside and residential amenity (SPPS and PPS21 Policies CTY1, and PPS8 Policies OS1, OS3, OS7)**
- **The impact of the proposed development on natural heritage (SPPS and PPS2);**
- **Access, movement and parking considerations including road safety SPPS, PPS3, DCAN15 and DOE Parking Standards)**
- **Flood risk, drainage and sewerage considerations (SPPS, PPS15 Revised and PPS21 Policy CTY16 )**
- **Impact on Archaeology and Built Heritage (SPPS, PPS6)**
- **Development within the urban setting (PSRNI Policy DES 2 - Townscape )**

**6.5 The principle of development and suitability of proposed detailing and impact on the countryside (SPPS and PPS21 – Sustainable Development in the Countryside Policies CTY1 and PPS8 (Open Space, Sport and Recreation) Policies OS1, OS3, OS7)**

**6.5.1** Part of the site is out-with the settlement development limit and the provisions of PPS21 are applicable to this part of the site. Under PPS21 Policy CTY1, planning permission will be granted for non-residential development in the countryside for outdoor sport and recreational uses in accordance with PPS8.

**PPS8 policies OS1, OS3 and OS7 are considered the relevant policy tests to be met in order to satisfy both PPS21 CTY1 and PPS8 requirements.**

**6.6 PPS8 Policy OS1 – Protection of Open Space**

**6.6.1** Notably only part of the site is zoned as an existing major area of open space, with the remainder of the site being located within the countryside. (An overlay map of the zoning is included in Annex B together with relevant extract from the Area Plan.) Policy OS1 applies to the protection of existing open space – in this case, the policy test of OS1 is only applicable to those parts of the site located within the settlement limit which are zoned as an existing area of major open space.



Proposals as submitted will not result in any loss of existing open space, rather the reconfiguration of this area, with extension, which will bring about substantial community benefit. Proposals fully comply with OS1 for these reasons.

## **6.7 PPS8 Policy OS3 – Outdoor Recreation in the Countryside**

6.7.1 This policy test is applicable given part of the site is within the countryside. Under Policy OS3, the development of proposals for outdoor and recreational uses in the countryside will be permitted where all the following criteria (as set out under i-viii) are met. The Planning Department has assessed all supporting information and third party representations. It has established, in its assessment and in consultation with the relevant statutory bodies, the following:

- I. There will be no adverse impact on nature conservation, archaeology or built heritage (see PPS2, PPS6 assessment.)
- II. The proposal does not result in a permanent loss of agricultural land nor would it impact on any nearby agricultural activities;
- III. The site is bound by a steep embankment to the west and the development requires retaining structures to support part of the development along the western boundary. In the context of the existing stadium structure, the proposed retaining features would not result in any greater detrimental impact by way of visual amenity than the existing built structures on the site and will be set at a lower level so as to integrate satisfactorily into the landscape and prevent any impact on the character of the local landscape.
- IV. Following consideration of additional information in relation to noise and lighting, the proposal subject to operational conditions being adhered to (in relation to hours of operation of floodlighting) would not result in an unacceptable impact on the amenity of nearby and surrounding residents;
- V. The proposed retaining structures will be sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment, which includes new tree planting along the western portion of the site to soften these works;
- VI. The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car, including accessible pedestrian linkages to and from the site in addition to a proposed walking / running path around the perimeter of the overall site;
- VII. The proposal is not expected to generate any increases in traffic volumes that currently visit / use the site, with no changes proposed to the current access and parking arrangements. In terms of drainage and waste disposal, DfI Rivers Agency are content that the proposal meets PPS15 (Revised requirements) – informatives will be necessary to ensure the

applicant is aware of their responsibilities in relation to drainage. The proposal by its nature, does not comprise any changes to the existing sewerage facilities on the wider site.

- 6.7.2 **Determining weight is also given to an established approval on the site under P/2012/0618/F which included development in the countryside to extend the facility. In summary, conditional to the necessary planning conditions and informatives being adhered to, the proposal is considered acceptable to Policy OS3 in relation to the extension of development into the countryside.**

## **6.8 PP8 Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities**

- 6.8.1 Despite the potential for noise disturbance from the proposed development as considered above under Policy OS3, the proposal is not considered to constitute a 'noise generating sports and outdoor recreational activities' for the purposes of Policy OS5, having regard to the types of "noise generating" activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

## **6.9 PPS8 Policy OS7 - The Floodlighting of Sports and Outdoor Recreational Facilities**

- 6.9.1 Under Policy OS7, the development of floodlighting associated with sports and outdoor recreational facilities will only be permitted where all the following criteria are met:
- (i) there is no unacceptable impact on the amenities of people living nearby;
  - (ii) there is no adverse impact on the visual amenity or character of the locality; and
  - (iii) public safety is not prejudiced.
- 6.9.2 Objectors comments in relation to flood lighting have been considered further above. In considering the nature of the proposed development and its close proximity to residential properties, there is the potential for loss of amenity at these properties due to light pollution. Details of proposed flood lighting were initially submitted to Environmental Health for their consideration who sought additional information and clarification; including details of the lighting plot for the floodlights in use, overlaid on the same scale map of the surrounding residential property and clarification from the Planning Authority as to which Environmental Zone the development should be considered under in relation to lighting.

6.9.3 The Local Planning Authority confirmed the following to Environmental Health by way of clarification and provided a copy of the relevant map ( for the avoidance of any doubt:

- There are 6 No. 18m high lighting columns situated in the larger pitch to the north of the site. And that the vast majority of this pitch is within the existing urban settlement of Ballyholland, with exception of a single column located to the SW portion of the site;
- The smaller multi games area located to the southern portion comprises of 4 No. 10m high lighting columns which are located outside the development limits of Ballyholland within a rural area.

6.9.5 In addition, a Proposed Lighting Layout (amended with the required detailing) and Photometric Report on lighting levels has been submitted, which shows the potential light intrusion likely to be experienced at some nearby residential properties when the floodlights are operational. Environmental Health has assessed the Environmental Zone for the application area to be an E2 zone (as described in the 'Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011') and conclude that there is the potential for the floodlighting to be intrusive late at night and would request that a planning condition is attached to any approval to restrict the times of use of the floodlighting in order to protect residential amenity, with the operating hours for all floodlighting to be limited to 14:00hours - 21:00hours Monday to Sunday.

6.9.6 In considering the existing flood lighting on the site and overall context of the proposed development (conditional to restrictions on the hours of use), the proposed flood lighting would not result in an unacceptable degree of adverse impact on the visual amenity or character of the locality and is acceptable to criterion (ii.)

6.9.7 The proposed flood lighting would arguably, improve public safety of the area, by way of surveillance when in use. Environmental Health and DfI Roads have not expressed any concerns in relation to resultant glare from excessively bright or poorly aimed floodlighting that would potentially dazzle transport users and pedestrians. The proposed floodlighting is not considered likely to prejudice public safety in this regard and is acceptable to criterion (iii.)

**6.9.8 In summary, following review of the additional information provided and subject to the necessary planning condition being met, the proposal is considered acceptable to PPS8 Policy OS7.**

**6.10 The impact of the proposed development on natural heritage (SPPS and PPS2)**

6.10.1 The proposal does not fall within any of the thresholds listed in Schedule 1 or

2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore an EIA is not required.

- 6.10.2 This proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) in addition to the Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015. A Habitats Regulation Assessment (HRA) screening has been carried out (in informal consultation with Shared Environmental Services,) which shows there is no viable pathway links to any European Site feature from the proposed development.
- 6.10.3 The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) as amended. The proposal would not have any likely significant effect on the features of any European site. This is satisfactory to policies NH1, NH3 and NH4 of PPS2.
- 6.10.4 In consultation with DAERA (NED,) it is established that the proposal is unlikely to harm a protected species in accordance with PPS 2 NH2:
- 6.10.5 Following initial assessment, NED requested a breeding bird survey (in relation to waders) and a newt survey to be carried out to enable a full assessment. Further to provision of the breeding bird survey, NED agree with the ecologists recommended mitigation in that any necessary vegetation removal must be completed outside of the bird breeding season (1st March – 31st August inclusive), however if this is not possible, a detailed check for active birds nest may be completed prior to removal and mitigation/protection provided where necessary.
- 6.10.6 NED acknowledge the findings of the submitted bat roost potential survey and whilst there is no bat roost potential, the proposed lighting can impact on foraging / commuting bats, however, acknowledge the use of directional hoods to minimise light-spill. An amended landscape plan was also requested showing the location of additional tree planting within an area of land subject to no greater than 1 lux of light spill as a means of compensation for the artificial illumination of existing mature vegetation. In a further response dated, NED confirm they are content NED are content that the Proposed Site Plan & Landscaping drawing submitted shows light spill of 1 lux around areas of existing vegetation and proposed areas for planting.
- 6.10.7 The newt survey findings conclude a presence of newts on site. In considering the presence of newts on site, within an area likely to be significantly impacted and altered by development both during construction and operation, NED (in consultation with NIEA's wildlife team) requested a Newt Mitigation Plan (NMP) to detail the proposed mitigation for the site in order to minimise the potential impact on newts. A surface Water Management Plan (SWMP) was also required to detail the proposed mitigation to prevent the potential impacts on neighbouring waterbodies, including the prevention of spoil or earthworks entering the waterbodies, and to ensure these areas are protected for newts.
- 6.10.8 From the Surface Water Management Plan submitted, NED are content with the mitigation and management techniques as described in the report and conclude that subject to the implementation of such mitigation, significant

impacts on aquatic habitats will be minimised, which will also minimise the potential significance of impacts on protected/priority species which will utilise such features. NED are content with the mitigation plan proposed for smooth newts and consider the proposed plan suitable to mitigate against significant impacts on newts as a result of the proposal.

**6.10.9. Subject to the below recommended conditions, NED are content with the proposal which is considered to be acceptable to Policies NH2 and NH6 in this regard and the relevant requirements of PPS2.**

**6.11 Access, movement and parking and road safety considerations (SPPS, PPS3, DCAN15 and DOE Parking Standards)**

6.11.1 There are no changes proposed to the existing access and parking arrangements at the site. Following an initial assessment by DfI Roads, the site boundary was amended to ensure the application site adjoins the public road network at Betty's Hill Road. Following further consideration, DfI Roads offer no objections on the basis that Planning are content there is sufficient in-curtilage parking for the proposal and that the information supplied in the P1 form, Question 25 is deemed accurate.

6.11.2 The proposal relates to an extension and reconfiguration of the existing training facilities. The application form suggests that there will be no increase in vehicles to the site as a result of the proposal. Regardless of these figures submitted, there are 88 parking spaces at present in the southern part of the facility (at the existing playing fields) and a further 46 parking spaces in the northern part of the facility at the community centre building, equating to 134 spaces, in addition to 50 spaces in a car park along the opposite side of Betty's Hill Road, shown to be in the applicant's ownership. Provided the proposed development is used in accordance with the proposed use, the existing parking provision is considered sufficient to facilitate the proposed development in accordance with PPS3 AMP7 and DOE Parking Standards.

**6.11.3 In summary, following amendments and subject to conditions, the proposal is considered acceptable to PPS3, DCAN15 and DOE Parking Standards.**

**6.12 Impact on Archaeology and the Built Heritage (SPPS, PPS6)**

6.12.1 There are no known archaeological sites or monuments in proximity to the application site. There are two listed buildings in the wider locale, at No's 9 and 61 Betty's Hill Road. The proposal is significantly removed from these existing listed features and does not raise any concerns under PPS6 in this regard.

**6.15 Flood risk, drainage, sewerage and land contamination (SPPS, PPS15 Revised and PPS21 Policy CTY16 )**

6.15.1 The proposal seeks the use of public water supply and proposed to use ground infiltration (site soakaway) to dispose of surface water and by its nature will not generate foul sewage or raise any concerns in relation to PPS21 CTY16.

NIW confirm public water supply is available to serve the proposal and that an application to NIW is required to obtain approval to connect.

6.15.2 DfI Rivers Agency initially advised that a Drainage Assessment was required (PPS15 Policy FLD3) as the development is on a site exceeding 1 hectare and it relates to a change of use involving new buildings and or hard surfacing exceeding 1000 square metres. A DA was subsequently prepared and submitted, detailing the use of soil infiltration to drain storm water run-off from the site. As this lies out-with the remit and expertise of DfI Rivers, DfI Rivers Agency has not commented on the viability of the proposed method of storm water discharge.

6.15.3 DAERA's Water Management Unit has the responsibility for the protection of the water environment who having considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained.

6.15.4 DAERA's Regulation Unit (RU) in assessing this application consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. RU having reviewed the Preliminary Risk Assessment (PRA) provided, note the potential for unacceptable risks to the water environment and a Generic Quantitative Risk Assessment (QGRA) was subsequently requested in order to conduct a full assessment. Following assessment of the QGRA subsequently provided, RU advise that no unacceptable risks to the water environment have been identified and DAERA RU has no objection to this development provided the necessary planning conditions and informatives as attached are adhered to.

**6.15.4 The proposal in summary is acceptable to PPS15 (Revised) and PPS21 CTY16 subject to the necessary conditions and relevant guidance (by way of planning informatives) being followed.**

## **6.16 Development within the urban setting (PSRNI Policy DES 2)**

6.16.1 The application site is partly located within the urban area, i.e. the settlement development limit of Ballyholland, as identified by the BNMAP 2015 (see Annex B.) Policy DES 2 requires new development proposals in towns and villages to make a positive contribution to townscape and to be sensitive to the character of the area surrounding the site in terms of design, scale and the use of materials. The proposal comprises of two new pitches and associated items in addition to a new jogging path around the existing and new pitches. The training pitch is 80 x 130m, with a 2.5m run-off around the pitch. The MUGA is 33 x 56m. The training pitch will have 6No. lighting masts, 18m high and the MUGA will have 4No. lighting masts, 10m high. Two retaining walls are proposed along the western part of the site, one 6m high and the other 2m high.

6.16.2 The proposed detailing is considered appropriate in the context of the existing development including GAA pitch, and associated club rooms, in addition to the community centre building. Materials of the materials of the ancillary features such as fencing and lighting have been carefully selected so as to minimise their impact on the landscape. In addition, the proposed ball wall associated with the MUGA is lower than the eaves of the existing spectator stand and located behind it thus minimising any visual impact on the streetscape. The visual impact of the lights and columns will be minimal as the masts are few in number for such a large area of site when viewed from outside the site, they will not appear significant. It is considered that the ancillary elements which are arguably the more prominent features of the proposal, such as lighting, fencing and pathways would be in keeping with the existing features of the same, which are all readily available in the context surrounding the site.

6.16.3 On this basis, the proposal is considered acceptable to the requirements of DES 2 and appropriate in uses and sensitive to the context by way of siting, scale, layout, design and materials and would not conflict with or detract from the character, amenity or design of the surrounding area.

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**7.0 Recommendation:** Approval (subject to conditions)

**8.0 Recommended Planning Conditions:**

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans:
  - BGAA-JNP-00-XX-DR-A-0003 Rev A - Location Plan
  - T-06.17-06 Rev P1 - Contours
  - T-06.17-03 Rev P2 - Details / Sections
  - BGAA-JNP-00-XX-DR-A-0001 (Version P01) - Existing and Proposed Sections
  - BGAA-JNP-00-XX-DR-A-0002 (Version P01) - Proposed Ball Wall Details
  - BGAA-JNP-00-SI-DR-A-0002 (version P03) - Proposed Site Plan and Landscaping
  - DWG01 - Proposed Lighting Layout

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

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

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

4. After completing any remediation works required under Condition 3 and prior the development being operational, a verification report shall be submitted to and approved in writing by the Local Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

REASON: For the protection of environmental receptors to ensure the site is suitable for use.

5. All smooth newt mitigation measures as detailed in the Smooth Newt Management Plan (dated November 2021 and prepared by MCL Consulting) shall be completed under an appropriate NIEA Wildlife Licence the details of which shall be submitted to and approved in writing by the Local Planning Authority to the satisfaction of NIEA.

REASON: To protect smooth newts and in accordance with Planning Policy Statement 2 (PPS2) Natural Heritage.

6. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Local Planning Authority within 6 weeks of works commencing.

REASON: To protect breeding birds and in accordance with Planning Policy Statement 2 (PPS2) Natural Heritage.



7. The training pitch hereby approved shall not be used for competitive matches as stated in the noise impact assessment (dated March 2021) and shall be retained thereafter.

REASON: In the interest of residential amenity

8. The use of the development hereby approved shall be strictly restricted to Monday to Friday 14:00hrs-21:30hrs and Saturday and Sunday 09:00hrs-21:30hrs and shall be implemented in accordance with the noise impact assessment (dated March 2021.)

REASON: In the interest of residential amenity.

8. The operating hours for any floodlighting shall be restricted to 14:00hrs-21:00hrs Monday to Sunday.

REASON: In the interest of Residential Amenity.

9. The proposed ball stop fence / wall as detailed on Drawing No. BGAA-JNP-00-XX-DR-A-0002 (Version P01) shall have rubber noise suppression blocks between the panel and post with details to be submitted to the Local Planning Authority and agreed in writing to the satisfaction of Environmental Health.

REASON: To minimise noise impact in the interests of residential amenity.

10. The proposed landscape measures as detailed on the drawing No BGAA-JNP-00-SI-DR-A-0002 date stamp received 28 Sept 2021 (Proposed Site Plan and Proposed Landscaping) shall be implemented during the first available planting season following completion of the development hereby approved and managed and maintained in perpetuity.

REASON: In the interests of visual and residential amenity and natural heritage.

11. 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 Local Planning Authority gives its written consent to any variation.

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

12. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and the retaining wall design shall accommodate any lateral loading from the retained slope. Any such

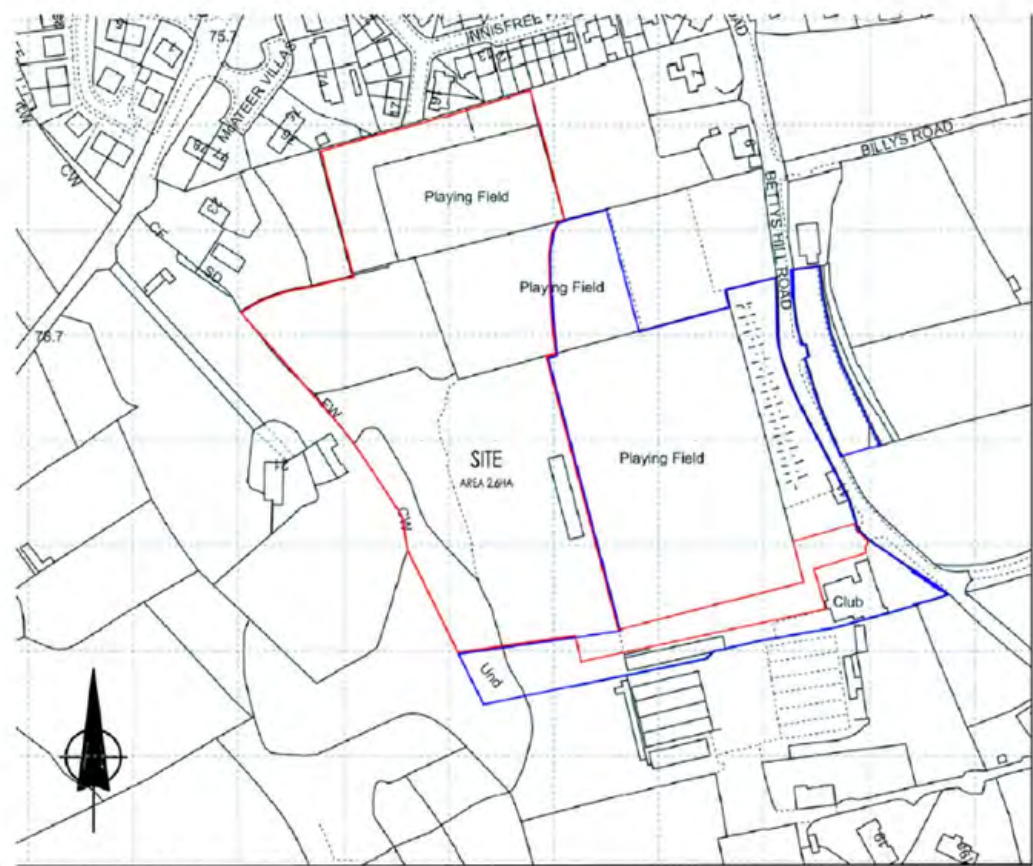
designs and assessments should be certified by an appropriately qualified engineer.

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

**Case Officer Signature:      Orla Rooney      Date: 23.02.22**

**Appointed Officer Signature:      Patricia Manley      Date: 23.02.22**

### Annex A:



Site Location Plan



Existing Layout





**Annex C – Case Officer Photographs (22/10/2021 and 16/12/2021)**



View from the application site looking west towards No.21 Ballyholland Road



View from the application site towards existing terrace structure



View from the western area of the application site looking south



View from the application site looking south-west towards existing bog area and open countryside



View from Driveway to No. 21 Ballyholland Road



From the driveway of No. 21 Ballyholland Road looking north-east towards No. 23 Ballyholland Road





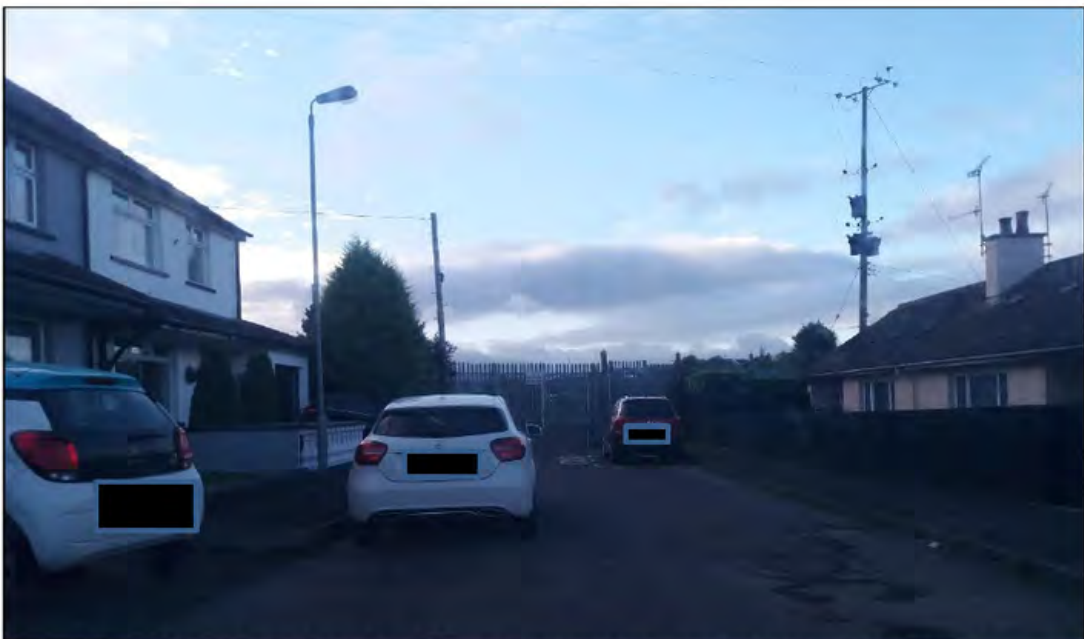
View from Ballyholland Road looking east towards the application site



View from Ballyholland Road looking east towards the application site



View from Ballyholland Road looking east towards the application site



View from Innisfree Park towards existing pedestrian access gate



View from the southern area of the application site looking north towards terrace seating



View from the south / western area of the application site looking north



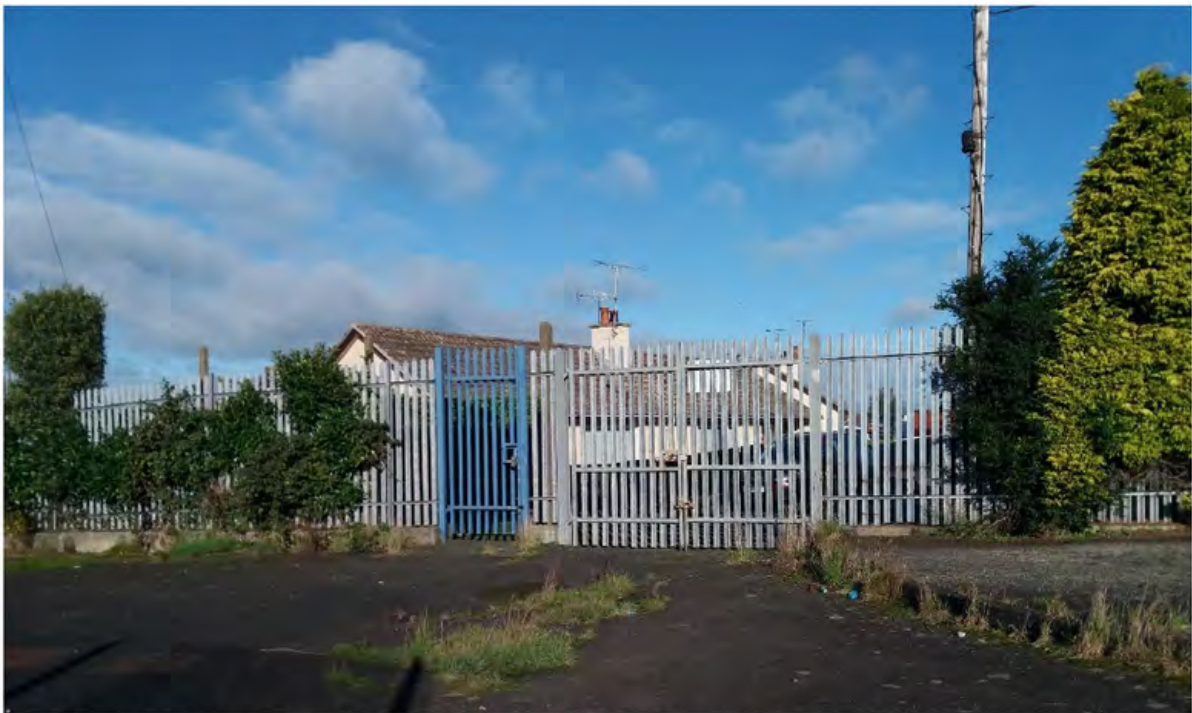
View from western area of application site looking south



Existing training field and playpark / community centre (northern section of the site)



Existing training field in the northern section of the site, looking towards Innisfree Park, further north



View from the site of existing pedestrian gate connecting to Innis Free Park

## Item 10 - LA07/2020/1567/F

1. Impact that floodlighting will have on neighbouring family homes and our local protected species.
2. On a 2013 document produced by our governing bodies such as natural heritage, environmental health, and our planning department, that clearly states that this area has important protected species such as bats, newts and other wildlife that will be greatly affected by any disturbance to this area from floodlighting, or digging, or any interference at all. It's very concerning that these departments would now contradict and overturn their own departments findings, especially in an area that has now developed into an important space for these protected species with lots of them flourishing.
3. Our laws and policies have been greatly strengthened in order to protect these areas and these species since 2013. Our governing bodies and council bodies, along with our public representatives, and in public opinion in general, all agree, and have all committed to protect and enhance these areas and these species. This is clearly stated in the MLA Charter to protect our biodiversity at all costs, and has been signed up to by all of our political parties and MLAs.
4. The effects of floodlighting in an area so close to family homes, which will invade and impact their way of life, and especially how it will affect our mental health.

There are a few other concerns that need to be addressed and highlighted at this meeting

**New Training Pitch for Ballyholland Harps GAA**  
**Planning Reference: LA07/2020/1567/F**

**Speaking Right submission notes – Ballyholland GAA Jim McMahon**

Ballyholland Harps GAC is a Gaelic Athletic Association Club which has been in existence for almost 70 years. Since its foundation in 1954 Ballyholland Harps has been a significant and consistent provider of community-driven sport, leisure, culture and wellbeing for citizens in "southeast" Newry, which covers a wide geographical area including Ballyholland itself as well as Grinan, Derryleckagh and areas within Newry City.

Ballyholland Harps has a proud tradition of being a forward-thinking and self-funding club, one which has seen us extend beyond our core function of Gaelic Football to include Scor (since the 1960s), camogie (since 1973), Ladies Football (2022) and community-focused activities.

Through our social club premises (est 1979), we have acted as a constant benefactor for our local community, providing a much-appreciated, no-fee location for weddings, funerals, christenings and parties, as well as local elections and charity fundraisers. The club is a focal point for a wide range of social and sporting activities catering for all ages within the community.

With regard to sporting activities, Ballyholland Harps currently competes across three codes including Gaelic Football (GAA), Camogie and Ladies Gaelic Football (LGFA).

The club currently has just over 400 active playing members and up to 250 active non-playing members with many more local families connected to or benefitting from the Harps various facilities.

In Gaelic football we field three adult teams and 9 underage teams u6-u18, with some age grades such as u12's/u14's fielding two teams.

In Camogie we field a single adult senior team and six underage teams u7 & u17.

Our Ladies football is in its inaugural year and will field two underage teams with growing membership in the coming years.

Our membership has doubled in size in the past 15 years. We anticipate this growth to continue due to providing three Gaelic games codes, continued competitive success and surrounding community growth. Overall, the Club now has over 20 Teams, all of which need quality external facilities for playing competitive matches as well as carrying out realistic training exercises throughout the year.

Currently the Club has only one Playing Pitch for use in competitive matches and training. This situation has for sometime created severe difficulties for the Club in meeting the needs of its playing members and maintaining its significant role as a provider of community-based sport and recreation.

Our only pitch must close 6 months/year to recover from current intensive use which is unsustainable and leaves the Club without adequate external training facilities during out of season periods and puts unsustainable pressure on the quality of the main pitch during the playing season.

The Club has recognised for some time that development and provision of additional external training facilities is essential to the continuing success of the Club and to sustain its growing membership within the local community. The priority of the Club, therefore, is to develop a Training Pitch and other associated training facilities that provide a realistic training environment and that can be used all year round and which can serve all playing codes at all ages in a secure and safe manner. The training pitch also needs to facilitate multiple training activities taking place simultaneously throughout the year.

To achieve this objective, the new training pitch must be of a size that is as close as possible to a full-size competitive pitch and have lighting to allow usage during winter months in the evenings and be designed to ensure proper drainage

In 2022, our sole goal is to give our teams the playing facilities that our community needs and deserves. Our proposed new development has two overarching objectives:

1. To ease the extraordinary burden on our primary playing field by giving our players, coaches and mentors an additional facility, open to them 365 days a year.
2. To provide all-age sporting facilities that will enable our community to become better, healthier and closer neighbours.

Our current intake of underage members is unprecedented with up to 60 children taking part in some grades. The modern era of our games requires a year-round calendar. The training facility must be able to cater for this. This requires a facility close as possible to a full-size pitch to make training as realistic as possible and allow for multiple training activities taking place simultaneously throughout the year.



**New Training Pitch for Ballyholland Harps GAA**  
**Planning Reference: LA07/2020/1567/F**

**Speaking Right submission notes – Dermot O’Hagan, JNP Architects**

The proposed development will provide much needed training facilities for Ballyholland GAA which is a community-based sporting and cultural organisation enjoying support amongst the local community.

A Public Consultation Event was held during the early design stages and before a Planning Application was made to help inform the design and take account of any issues raised.

The main new facility will be a training pitch designed to replicate a realistic competitive environment in terms of pitch dimensions and to allow use during the winter months will have lighting with lux levels suitable and appropriate for training.

In addition to the new training pitch, the Club also plans to develop other facilities to suit all ages and different playing codes which includes a Multi-Use Games Area and a Ball Wall.

Furthermore, in recognising the Club’s contribution to the local community, the design for the new facilities incorporates a new walking and jogging trail within the Clubs grounds and around all its facilities providing a safe environment for local people to exercise.

The location of the new training pitch is partially on grounds leased from Newry, Mourne and Down District Council and partially within lands already owned by the Club. The Council grounds have already been developed for recreational use as an all-weather playing facility with access from the adjacent Innis Free Park.

The design for the new training pitch takes account of a full range of site factors specific to its location including:

- Adjacent existing residential properties:
  - i. Lighting designed not to interfere with houses and gardens close by
  - ii. Ball stops provided to avoid balls landing in nearby gardens
  - iii. Ball stops designed to be low noise
  - iv. Level of pitch is not higher than adjacent houses and gardens to avoid overlooking or loss of privacy
  
- Adjacent Existing Sporting Facilities
  - i. The layout of the new facility fully integrates with existing surrounding facilities including the Community Centre and playground as well as the Clubs existing main pitch

- Integration:
  - i. The layout of the new facility is such to allow full integration with the local community through provision of a pedestrian entrance from Innis Free Park as well as the existing main entrance at Bettys Hill Road
- Landscape
  - i. The proposed new development will significantly improve the overall visual appearance of this area of the Clubs grounds with the new pitch and new tree planting along the boundary
- Environment
  - i. A full range of detailed surveys and studies have been carried out to assess the environmental impact of the proposed new development including consideration of all flora and fauna issues (especially breeding birds, bats and newts) as well as impact on nearby stream.
  - ii. The results of these details studies and reports have been to the satisfaction of all the Statutory Bodies and a range of mitigation measures agreed.



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

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0978/F

**Date Received:** 27.06.17

**Proposal:** Demolition of side and rear extensions, new rear and side extensions and new rear dormer (Amended Site Address)

**Location:** No.50 Hilltown Road, Bryansford, Newcastle.





**Characteristics of site:**

The site in question is an end terrace dwelling finished in stone with a slate roof and wooden windows, there is a small area of amenity to the front of the property. The property is itself listed as part of a listed terrace.



**Characteristics of area:**

The site is located on the edge but within the settlement limit of Bryansford Village and within an Area of Townscape Character BD 03 and near to Local Landscape Policy Areas 1 & 2 and close to a Historic Park, Garden and Demesne (Tollymore Forest Park) as identified in the Ards and Down Area Plan 2015 and shown on Map No. 3/023. The site is also within an Area of Outstanding Natural Beauty.

**Site History:**

R/2011/0607/F 46 Bryansford Village Newcastle

Single Storey extension/alterations to dwelling and garage

Permission granted - 26.03.2012

R/2011/0606/LBC 46 Bryansford Village Newcastle

Alterations and extension of dwelling and replacement of existing substandard garage

Permission granted - 26.03.2012

R/2009/0563/F 43 Bryansford Village, Ballyhafry, Newcastle

Proposed rear and first floor extension and replacement garage.

Permission granted - 04.09.2009

R/2002/0995/F 43 Bryansford, Ballyhafry, Newcastle

Two storey extension.

Permission granted - 11.10.2002

**Planning Policies & Material Considerations:**

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6, Areas of Outstanding Natural Beauty sets out the main considerations that the Council will take into account in assessing proposals for development within AONB's.

Planning Policy Statement 3: Access, Movement and Parking

Policies AMP 2 – Access to Public Roads and AMP 7 – Car Parking & Servicing Arrangements and

DCAN 15 - Vehicular Access Standards set out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to vehicular access, servicing and parking requirements.

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Policy BH 8 & BH11 of PPS -6 ; Planning, Archaeology and the Built Heritage sets out the main considerations that the Council will take into account in assessing proposals for extension or alteration of a listed building.

#### Addendum to PPS6 Areas of Townscape Character

The Addendum to Planning Policy Statement 6; Areas of Townscape Character, Policy ATC 2 – New Development in an Area of Townscape Character states that development proposals in an Area of Townscape Character will only be permitted where the development maintains or enhances the overall character and respects the built form of the area.

#### Addendum to PPS7 Residential Extensions and Alterations

##### The Addendum to Planning Policy Statement 7; Residential Extensions and Alterations

Policy EXT 1 sets out the main considerations that the Council will take into account in assessing proposals for residential extensions and/or alterations. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

PPS2 Natural Heritage in relation to AoNB.

PSRNI DES 2 in relation to Townscape.

#### **Consultations:**

Historic Environment Division were consulted on 05.07.17 due to building being a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and is protected under the Planning Act (NI) 2011. Historic Building Unit responded on 25.07.17 **objecting to the proposal.**

DFI Roads were consulted on 05.07.17 due to proposed new vehicular access arrangements and responded on 08.09.17 requesting a 2.0m wide footway along full extent of site outlined in red and the Telegraph pole to be resisted clear of proposed sight visibility splays. These amendments were received and DFI Roads as of the 20.11.2017 have no objection to the proposal and have requested PSD drawings to show the proposed footway along the full site frontage for adoption purposes.

**These remain outstanding and should approval be granted these require submission and sign off by DFI Roads.**

#### **Objections & Representations:**

4 No. neighbouring properties within proximity to this site (No's. 43, 44, 45 & 48 Bryansford Village) were notified on 06.07.2017. This application was advertised in the local press on 03.07.2017 and re-advertised again on 17.07.2017 due to amended site address and to date no objections or representations have been received.

#### **Consideration of the proposal:**

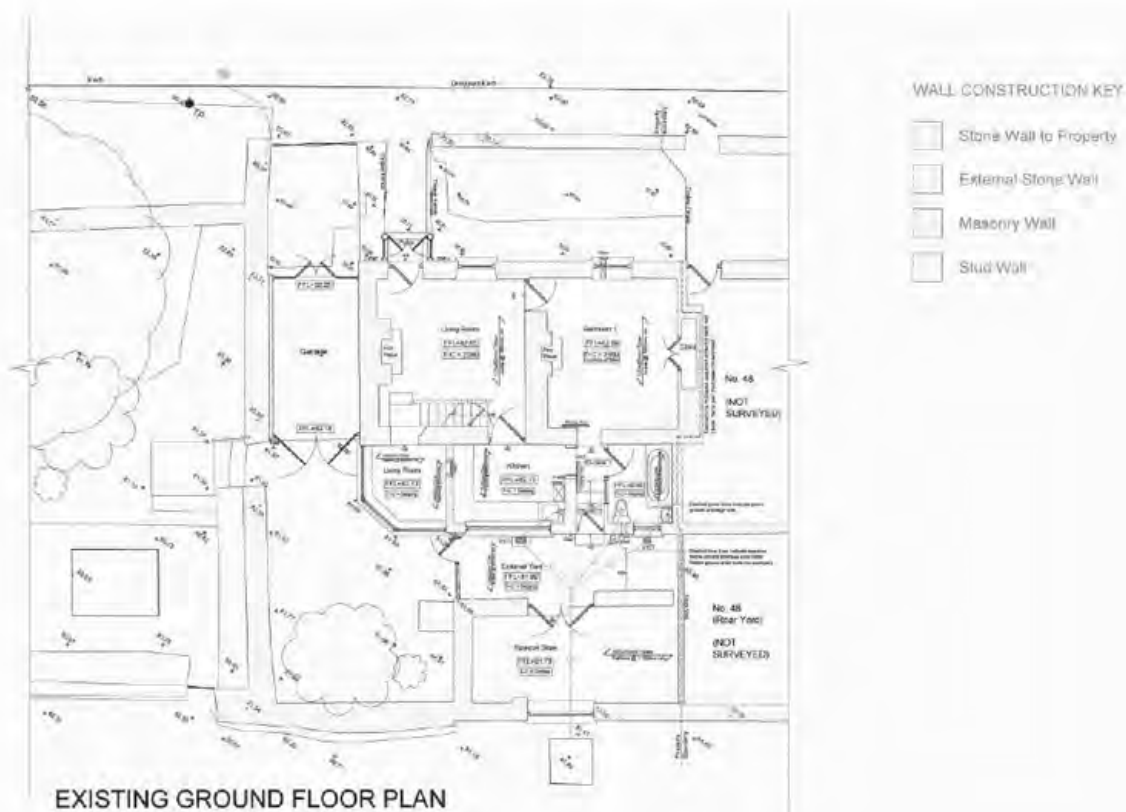
This application as submitted proposes 3 elements, the first is the demolition of the existing rear later additions (see photo below) and replacement with large roof dormer finished in flat metal (black).



EXISTING REAR ELEVATION



PROPOSED REAR ELEVATION



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

The second element is the demolition of the existing attached side garage and replacement with timber clad black laundry room/bootroom. This extends 0.8m wider and in height approx. 0.5m higher than the existing garage.





EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION



The final element of the proposal is the construction of a sizeable linear side extension set to the rear and side of the existing property and extending in excess of 18m beyond the side elevation of the listed terrace (see above). This extension shall be set lower into the ground than the existing dwelling and will have a ridge height of 2.8m. It will be finished in timber, render, stone, concrete with grey aluminium window frames. The extension will contain 5 large vertical glazed panels along its front elevation. The rear elevation is similarly designed. The new extension will house 2 no bedrooms, bathroom and living kitchen dining area.

The proposal includes for a new vehicular access and parking area to the south of the existing access, also the removal of the stone wall and hedging to the front of the property to provide for visibility splays. Telegraph pole also to be resisted behind vis splays. Existing stone walling represents a curtilage structure.

### SPPS

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character

and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

6.13 Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Proposals should be based on a clear understanding of the importance of the building/place/heritage asset, and should support the best viable use that is compatible with the fabric, setting and character of the building. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.

6.21 In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form.

6.22 The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

6.187 Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan policies.

6.188 In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Landscape Character Assessments and any other relevant guidance including AONB Management Plans and local design guides.

## **PPS 6 Planning, Archaeology and the Built Heritage**

### **Policy BH 6 The Protection of Parks, Gardens and Demesnes of Special Historic Interest**

The Department will not normally permit development which would lead to the loss of, or cause harm to, the character, principal components or setting of parks, gardens and demesnes of special historic interest. Where planning permission is granted this will normally be conditional on the recording of any features of interest which will be lost before development commences.

The proposal is also sited within LLPA 1 Lands to SE of Bryansford Village the qualities of which are listed in the Area Plan as

- area affords attractive vistas across open fields with traditional stone walls to the Mourne Mountains and thereby provides a unique landscape setting to the small settlement; and
- comprises a buffer between Settlement Limit and Tollymore Park – a registered demesne and open to the public as a Forest Park.

It is considered that the development proposal is far enough removed from the Tollymore Park such as to render its impact as negligible on its character, principal components or setting. The LLPA will remain as a buffer between the settlement and Tollymore and this proposal will not impact on that. Vistas towards the Mournes will not be impeded by the proposed development.

#### **Policy BH 8      Extension or Alteration of a Listed Building**

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

The view of Historic Environment Division (HED) were sought on this proposal in terms of the impact of the development on the Listed buildings and their setting.

The application at No. 50 Bryansford Village (LA07 2017 0983 LBC & 0978 F) impacts upon a number of Listed Buildings including the following:

HB18 13 011E 50 Bryansford Village Grade B2

HB18 13 011C 48 Bryansford Village Grade B2

HB18 13 011A 42 Bryansford Village Grade B2

HB18 13 014 Labourers Cottages 58-62 Bryansford Village Grade B2

These are of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.

In terms of BH8, extension and alteration to a listed building HED advise that in their opinion the development has an adverse impact on the character of the Listed Building and its Setting and makes use of materials which are not sympathetic or in keeping with the Listed Building and disrupts the architectural unity of the group.

HED refer to Annex E (Guidelines for the Alterations, Extension and Maintenance of Listed Building) of PPS6 outlines the three main Guiding Principles for Conserving Historic Buildings. (relevant excerpts below)

*(1) The first principle is that of minimum interference and every scheme should therefore aim to conserve a maximum of the original fabric of the Listed Building whether or not it will be seen. Each piece of its fabric lost is like tearing a page out of this history book....*

*(2) The second principle is that the listed building in its original form should remain the dominant feature in relation to any additions or extension proposed to it...*

*(3) The third principle relates to architectural styles when altering or adding to a Listed Building. Sometimes it is essential for new work to match the existing architectural style... Where extensive changes are being considered, for example the addition of a substantial wing, it may be acceptable for the new work to make its own architectural statement which could contrast, but must never compete.*

HED considers that the proposal fails to conform to all three of the above principles due to the substantial loss of historic fabric in association with the proposed rear dormer and the scale and character of the proposed extension which competes with and dominates the scale and character of the Listed Building. The linear side extension will be particularly visible from the main Hilltown Road, where it will be directly viewed with the listed host property. This is where the discord between the new extension and original property will be most evident and detrimental.

HED also refer to the curtilage structures on site (including outbuildings and boundary walls) of Listed Buildings as described in Annex C [C14 – C18] of PPS6 which are also protected under Section 80 of the Planning Act (NI) 2011, and should be retained as far as possible. This may include incorporating outbuildings into any new extension.

#### **Policy BH 11 Development affecting the Setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

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

The setting of a listed building is often an essential part of the building's character. This is particularly the case where a demesne, landscaped parkland, garden or grounds have been laid out to complement the design or function of the building. Where a listed building has no ancillary land, for example in a town or village street, its setting may include a number of other properties or even the whole street. These buildings may not necessarily be of great individual merit but combine to produce a visual harmony which enriches the setting of the listed building.

The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials. This does not mean however that new buildings have to copy their older neighbours in detail. Some of the most interesting streets in our towns and villages include a variety of building styles, materials and forms of construction of several different periods, which together form a visually harmonious group.

HED consider that the proposal has an adverse effect on the setting of the surrounding Listed Buildings in terms of scale, massing and alignment and that the proposal makes use of materials which are not sympathetic or in keeping with the character of the setting.

HED would advise that it considers this terrace of three as one of the **core buildings** of the village and as such is an important direct source of inspiration for development and change proposals as it is specifically mentioned in the Ulster Architectural Heritage Society Mourne Area Historic Buildings, Groups of Buildings and Areas of Architectural Importance.

Accordingly, HED would wish to see any extension to this building which makes its own architectural statement to demonstrate all three principles of Conservation, to be confined to the rear of the footprint of the existing building, and aligned so that it cannot be read with the traditional frontage of the terrace on any public approach. [It is not acceptable to rely on soft landscape screening to achieve this]

Therefore the proposal fails to satisfy PPS6 Policy BH8 & BH11 and also 6.12 & 6.13 of Strategic Planning Policy Statement Northern Ireland (SPPS) as it would have an adverse effect on the Listed Buildings and their Setting.

#### **Addendum to Planning Policy Statement 6 Areas of Townscape Character**

##### **Policy ATC 1 Demolition Control in an Area of Townscape Character**

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. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. The proposal involves the demolition of the side block-built garage and the later additions to the rear of the end terrace dwelling. As these are later additions they do not contribute positively to the character of the ATC and therefore their loss would not result in any diminution to the ATC.

##### **Policy ATC 2 New Development in an Area of Townscape Character**

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

Areas of Townscape Character (ATCs) exhibit a distinct character normally based on their historic built form or layout. For the most part this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features.

Designation as an ATC puts an onus on prospective developers to produce a high standard of design, which respects and is sympathetic to the particular qualities of the area in question.

Notwithstanding the acceptability of proposals in terms of other planning issues, the Department

will operate a presumption against development that would detract from or fail to maintain the character of the distinct townscape displayed within an ATC

The application site is located within Bryansford ATC (BD 03 of the ADAP 2015) Area of Townscape Character

The character, appearance and key features of the designated area, and the basis for its designation as an Area of Townscape Character derives from:

- the existing layout and natural setting , in particular the exceptional view towards the Mourne Mountains and Irish Sea;
- the internal local landscaping features;
- the architectural consistency of the core buildings including the estate buildings, the cottages, the old schools, shops, offices and churches, in particular their unity of style, scale and materials; and
- the double sided Gate Screen, the most influential of the key buildings. It represents the link between village and demesne. The combination is a feature unique to this historic settlement.

Bryansford was the estate village of the Roden family's demesne at Tollymore. Whilst village and estate share a common legacy, the former developed informally along Hilltown Road and the latter is now a publicly owned Country Park. The earliest dateable building, the Church of Ireland (1712) in Tudor Gothic style, set the consistent stylistic flavour for the subsequent development of the historic village.

The designated area envelopes the western end of the village 'street' where the strength of the historic associations and traditional architectural qualities are very much in evidence. Development proposals should be in keeping with the overall historic built form of the small settlement in terms of layout, scale, massing and materials. In matters of style, proportions and detailing contemporary or traditional solutions may be acceptable but in either case inspiration should be sought from the **core or key buildings** and other artefacts of the settlement. The protection of the landscape both within and adjacent to the small settlement and the fundamental relationship of the latter with the demesne, is of paramount importance if the distinctive qualities and character of Bryansford are to be sustained.

The proposed development represents one of the core buildings referred to above. Where it is advised that "Development proposals should be in keeping with the overall historic built form of the small settlement in terms of layout, scale, massing and materials. In matters of style, proportions and detailing contemporary or traditional solutions may be acceptable but in either case inspiration should be sought from the core or key buildings and other artefacts of the settlement."

No. 50 is situated in the heart of Bryansford Area of Townscape Character and is part of a terrace of three cottages which are an important architectural group in the village therefore the utmost care is required in terms of the layout, scale and massing and materials of any proposed development. The current proposal is for a substantial modern linear extension to the side of the terrace, the proposed

extension competes with the host property and the terrace as a whole by reason of design, scale, massing and finishes which whilst contemporary are not sympathetic or in keeping with the character of the listed terrace or the ATC.

The development therefore fails to maintain or enhance the overall character of the ATC and fails to respect the built form of the area.

The new access arrangements and parking and turning area as proposed as part of the development is not in keeping with the character of the terrace or the ATC, it introduces a formalised feature not found within the ATC or within the rest of the terrace. The proposal involves the removal of the front boundaries ie walling and hedging to make way for the new access parking and turning area. It is considered that the front boundary ie low walling and hedging contributes to the distinctive character of the area and should be integrated and protected in a suitable manner into the design of the overall proposal. Whilst it is acknowledged that it is proposed to replace the walling and plant out the front boundary, unfortunately for the reasons given above this will not maintain or enhance the character of the ATC nor should it be used in an attempt to screen an unacceptable development.

#### **PPS7 Policy EXT 1 Residential Extensions and Alterations.**

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Given the scale massing design and finishes of the proposed development, it is out of keeping with the existing listed building and the terrace as a whole detracting from the integrity of the listed terrace and from the integrity of the broader ATC. Views of the proposal will be particularly evident from the main Hilltown road upon removal of the existing walling and screening, opening up views of the extension and host property resulting in unacceptable damage to the character of this area.

Amenity space will remain to the front of the proposed development adjacent to the parking area.

The proposal therefore for the reasons stated above offends policy EXT 1 of PPS7 Addendum.

### PPS 3 Access Movement and Parking.

#### Policy AMP 2 Access to Public Roads

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 existing 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 no objection to the proposed development following the inclusion of a 2m footway along the frontage and the re siting of a telegraph pole. **They have requested PSD drawings to be submitted showing the proposed footway along full site frontage for adoption purposes. Should approval be granted then PSD drawings will be required and cleared by DFI Roads.**

### PPS 2 Natural Heritage

#### Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. The quality, character and heritage value of the landscape of an AONB lies in their



tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.

The current proposal is not considered to be sympathetic to the locality nor does it conserve or respect the listed buildings and their setting, similarly the proposed development detracts from the intrinsic qualities of the ATC and the historic estate village of Bryansford.

### **Planning Strategy for Rural NI**

#### **DES 2 Townscape**

Policy requires that all development proposals in towns and villages 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. Designs should enhance townscape and improve the image of settlements. Building design needs to be architecturally sympathetic to the important townscape elements of sensitive locations, such as conservation areas or the settings of listed buildings. For the reasons already discussed given the sensitive location of this proposal it is considered that the scale, massing, design and finishes of the proposed development detract from the character of the area and fails to make a positive contribution to townscape.

#### **Recommendation: REFUSAL**

After consideration of all relevant planning policies and other material considerations this proposal fails to satisfy the requirements of the aforementioned policies and it is therefore recommended that this application is refused.

1. The proposed development of contrary to the SPPS and PPS 6 PPS 6 Planning, Archaeology and the Built Heritage policies BH8 and BH11 in that the proposed development would have an adverse affect on the Listed Buildings and their Setting.
2. The proposed development of contrary to the SPPS and PPS 6 Addendum Areas of Townscape Character Policy ATC 2 in the it fails to maintain or enhance the overall character of the ATC and fails to respect the built form of the area.
3. The proposed development of contrary to the SPPS and PPS7 Policy EXT 1 Residential Extensions and Alterations in that the scale, massing, design and external materials of the proposal are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area;
4. The proposed development of contrary to the SPPS and DES 2 of a Planning Strategy for Rural Northern Ireland in that it fails 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.
5. The proposed development of contrary to the SPPS and PPS 2 NH6 in particular

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

**Signed: A.McAlarney**

**Date: 31 January 2022**

### Written Submission for Applications LA07/2017/0978/F & LA07/2017/0983/LBC

The applications are currently being recommended for refusal under 5 reasons. This document will respond to each refusal reason and highlight how we believe that our interpretation of policy is correct.

#### **Refusal Reason 1: Contrary to SPPS & PPS6 – Policies BH8 & BH11**

HED have stated that we do not meet the 3 guidelines set out in annex E of policy BH8 due to the loss of fabric associated with the new dormer, the scale and character of the proposed extension.

The first guideline is that “any new intervention should aim to conserve a maximum of the historic fabric,” with aim being the key word. The proposed dormer will allow for the first floor of the existing property to be utilised as living space, as currently the head height in the first floor is extremely limited. The dwelling is to be used as a family home, ensuring its upkeep for generations to come and it is essential that sufficient head height is provided within the first floor; maximum fabric will be retained as part of the proposal. Policy clearly allows for this type of intervention as evident at no.46 where Historic buildings approved the enlargement of an existing dormer under application R/2011/0606/LBC. PPS6 was published in 1999 and has been used by historic buildings ever since meaning this approved dormer and our recommended refused dormer have been assessed under the same policy. It should also be noted that no.48 also has a large dormer to the rear meaning our proposed dormer would not be at odds with the existing terrace or detract from the overall appearance of the terrace; instead matching it.

The 2<sup>nd</sup> and 3<sup>rd</sup> principle relates to architectural styles and maintaining the dominance of the listed building. Policy states that where extensive changes are being considered, for example a substantial wing, it may be acceptable for the new work to make its own architectural statement which could contrast, but must never compete with the original. The new extension is a modern flat roof, linear extension that sits 1.4m lower than the existing property. It follows the property boundary to provide a walled garden appearance, typical of older estate style buildings and entirely in keeping with the local architecture. The link between the existing property and new extension is similar to the new extension, with a modern flat roof replacing the existing lean-to extensions at the rear of the property and the garage to the side. The new extensions expose more of the existing property than the existing and provide a clear definition between what is new and old, as required by policy. This approach was also taken in the extension of no.46, again approved by Historic buildings using the same policy guidance. The proposed finishes of the proposal also complement the existing building, with white render and timber evident along the terrace and the use of a concrete plinth emulating the materials used on the chimneys of the terrace. The use of black timber on the new utility section is to allow the extension to appear as it always was, with the existing black timber garage. The proposed design not only follows guidance by allowing a distinction between the new and old but it allows the existing dwelling to remain as the dominant feature of the overall property.

Policy BH11 states that new buildings do not have to copy their older neighbours in detail and that some of the most interesting streets include a variety of styles, materials and forms of several different periods, which together form a visually harmonious group. The new extension couldn't conform with this statement any more. The new extension is a reflection of current architectural forms, followed on the extension of no.46 as well. To create a family home, suitable for modern living, a substantial extension is required and to avoid pastiche we have undertaken a modern approach, supported by policy. HED want the extension located to the rear and aligned so that it cannot be read with the traditional frontage of the terrace. The majority of the extension is located at the rear, and the only portion to the side of the building is replacing an existing flat roof garage in-situ. HED had also raised concerns regarding the view of the proposed extension from Bryansford COI. From this viewpoint, which is considerably higher than the extension, the green roof would be the most evident part, blending with the agricultural field to the rear. The planning department have also approved a 28no. housing development (LA07/2018/1629/F) between the church and the proposed making any viewpoints from here almost impossible to achieve. The existing outbuildings are being incorporated into the proposal, using the materials from these and also staggering the rear wall to further incorporate these.

**Refusal Reason 2: Contrary to Policy ATC2 of the addendum to PPS6**

The planning department have stated that the proposal competes with the host property and the terrace as a whole by way of design, scale, massing and finished and that it is not sympathetic or in keeping with the character of the ATC. As previously stated the extension has been designed to be subservient to the existing with the bulk located 1.4m below the existing and using materials that either match or emulate the existing. Within the immediate area natural stone, render, concrete, timber and corrugated metal are all found on dwellings or have been approved by the planning department; including no.46.

The planning department have stated that the proposed access introduces a formalised feature not found in the ATC or within the rest of the terrace. This statement is simply untrue; no.46 at the other end of the terrace has a formal entrance enclosed by a natural stone wall and no.5 opposite the proposal has similar. The front walling that the planning department refer to as contributing to the ATC is located 3.5m behind the existing road within 8m of dense vegetation. The proposal will involve removing some vegetation, not all, with the new wall matching the terrace at no.46. The proposed entrance is required to provide a safe parking/turning area for the property and it will enhance the ATC, not detract.

**Refusal Reason 3: Contrary to PPS7 Policy EXT1**

On initial conversations in 2017 with the planning department the extension was not deemed to be contrary to policy. It was the consultation response from HED that changed the departments stance. The recommended refusal under PPS7 directly correlates with the contested interpretation of policy by HED.

**Refusal Reason 4: Contrary to policy DES2**

This refusal reason is identical to the above and we have already outlined how the proposal complies with Policy ATC2, by proxy the same points apply.

**Refusal Reason 5: Contrary to PPS2 policy NH6**

The final refusal reason relates to the AONB that the proposal is situated within. There have been no issues raised regarding the natural habitat on site and this refusal reason again correlates to the consultation response from HED. As highlighted before we feel the design is respectful of the listed building and uses materials and styles found in the local area.

**Conclusion**

The proposal not only enhances the locality of the dwelling but removes the existing unsightly extensions on the dwelling to provide a cohesive design that puts the listed building at the forefront and ensures it is upkeep for generations to come.

We are entirely confident in our design and interpretation of policy and we hope that the planning committee can overcome the stalemate we have reached with the planning department in this interpretation.

LA07/2017/0978/F & LA07/2017/0983/LBC

I would request speaking rights in support of the applicant in respect of the applications above which are due to be presented to the Planning Committee taking place on Wednesday 9<sup>th</sup> March.

I will make the following points at the meeting:

The planning department have recommended refusal solely on the policy interpretation by HED and we fundamentally disagree with this interpretation. Policy BH8 requires an extension to maintain the essential character of the building and its setting, the proposed works use traditional or sympathetic materials and techniques and the architectural details match or are in keeping. HED seek for an extension to match the property exactly or provide a distinct modern extension so the existing property can be read as the main feature. The applicant/agent have chosen the modern route, with a simple, pavilion style extension to the rear and side of the existing dwelling. this approach has been taken to ensure the existing dwelling is the main feature. this is achieved by having the main extension 1.4m below the existing house and also built on the existing natural stone wall at the rear.

This approach not only provides a clear distinction between old and new but it allows the proposal to nestle into its surroundings. With the natural stone wall and hedge at the roadside of the proposal it will be almost invisible to the general public. The existing property also has a swathe of extensions and unsympathetic add ons to the rear which will be removed and replaced with a cohesive design that clearly sets the boundaries of old and new on site. Policy BH11 seeks for proposals to respect the listed building in terms of height, scale, massing and alignment. it also seeks traditional or sympathetic materials & techniques and respect the character of the setting. The applicant has taken the sympathetic approach on this proposal as using a traditional approach would harm the existing cottage more. Policy clearly allows for this approach. Not only this but the neighbouring property at no.48 has taken the exact same approach, yet this application would be less impactful on the existing. HED also stated that the proposal would be visible from the Bryansford COI opposite and appear dominant. From this viewpoint the proposal would be well screened with its green roof and HED have failed to recognise the approval LA07/2018/1629/F, which will provide 28 new dwellings between our proposal and the church and as such this viewpoint will soon not exist. The applicant is explicitly complying with Policies BH8 & BH11 of PPS6 and the interpretation that HED have used is believed to be incorrect.

Councillor David Taylor  
Ulster Unionist Party Representative  
Newry, Mourne & Down District Council  
25 Main Street  
BESSBROOK  
BT35 7DJ



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0983/LBC

**Date Received:** 27.06.17

**Proposal:** Demolition of side and rear extensions, new rear and side extensions and new rear dormer (Amended Site Address)

**Location:** No.50 Hilltown Road, Bryansford, Newcastle.





**Characteristics of site:**

The site in question is an end terrace dwelling finished in stone with a slate roof and wooden frame windows, there is a small area of amenity to the front of the property. The property is itself listed as part of a listed terrace.



**Characteristics of area:**

The site is located on the edge but within the settlement limit of Bryansford Village and within an Area of Townscape Character BD 03 and near to Local Landscape Policy Areas 1 & 2 and close to a Historic Park, Garden and Demesne (Tollymore Forest Park) as identified in the Ards and Down Area Plan 2015 and shown on Map No. 3/023. The site is also within an Area of Outstanding Natural Beauty.

**Site History:**

R/2011/0607/F 46 Bryansford Village Newcastle

Single Storey extension/alterations to dwelling and garage

Permission granted - 26.03.2012

R/2011/0606/LBC 46 Bryansford Village Newcastle

Alterations and extension of dwelling and replacement of existing substandard garage

Permission granted - 26.03.2012

R/2009/0563/F 43 Bryansford Village, Ballyhafry, Newcastle

Proposed rear and first floor extension and replacement garage.

Permission granted - 04.09.2009

R/2002/0995/F 43 Bryansford, Ballyhafry, Newcastle

Two storey extension.

Permission granted - 11.10.2002

**Planning Policies & Material Considerations:**

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Policy BH 8 & BH11 of PPS -6 ; Planning, Archaeology and the Built Heritage sets out the main considerations that the Council will take into account in assessing proposals for extension or alteration of a listed building.

**Consultations:**

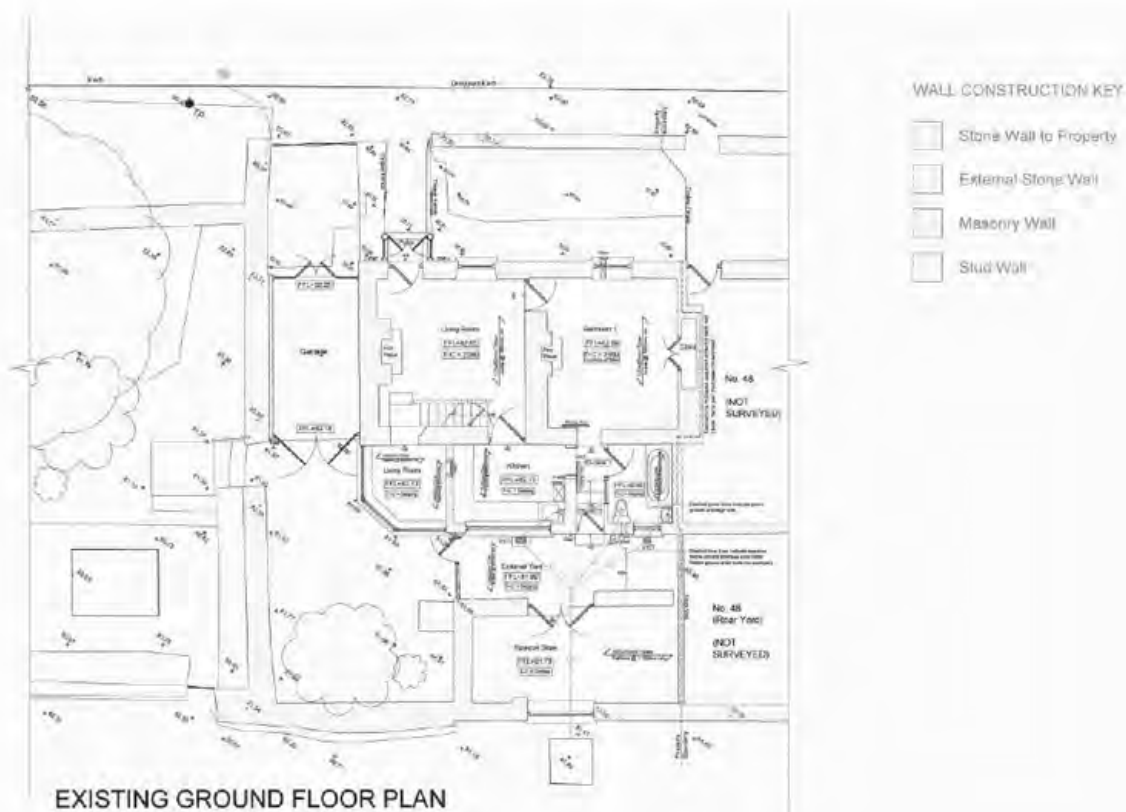
Historic Environment Division were consulted on 05.07.17 due to building being a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and is protected under the Planning Act (NI) 2011. Historic Building Unit responded on 25.07.17 **objecting to the proposal.**

**Objections & Representations:**

4 No. neighbouring properties within proximity to this site (No's. 43, 44, 45 & 48 Bryansford Village) were notified on 06.07.2017. This application was advertised in the local press on 03.07.2017 and re-advertised again on 17.07.2017 due to amended site address and to date no objections or representations have been received.







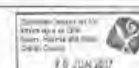
The second element is the demolition of the existing attached side garage and replacement with timber clad black laundry room/bootroom. This extends 0.8m wider and in height approx. 0.5m higher than the existing garage.



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION



The final element of the proposal is the construction of a sizeable linear side extension set to the rear and side of the existing property and extending in excess of 18m beyond the side elevation of the listed terrace (see above). This extension shall be set lower into the ground than the existing dwelling and will have a ridge height of 2.8m. It will be finished in timber, render, stone, concrete with grey aluminium window frames. The extension will contain 5 large vertical glazed panels along its front elevation. The rear elevation is similarly designed. The new extension will house 2 no bedrooms, bathroom and living kitchen dining area.

The proposal includes for a new vehicular access and parking area to the south of the existing access, also the removal of the stone wall and hedging to the front of the property to provide for visibility splays. Telegraph pole also to be resisted behind vis splays. Existing stone walling represents a curtilage structure.

### SPPS

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character

and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

6.13 Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Proposals should be based on a clear understanding of the importance of the building/place/heritage asset, and should support the best viable use that is compatible with the fabric, setting and character of the building. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.

## **PPS 6 Planning, Archaeology and the Built Heritage**

### **Policy BH 8 Extension or Alteration of a Listed Building**

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

The view of Historic Environment Division (HED) were sought on this proposal in terms of the impact of the development on the Listed buildings and their setting.

The application at No. 50 Bryansford Village (LA07 2017 0983 LBC & 0978 F) impacts upon a number of Listed Buildings including the following:

HB18 13 011E 50 Bryansford Village Grade B2

HB18 13 011C 48 Bryansford Village Grade B2

HB18 13 011A 42 Bryansford Village Grade B2

HB18 13 014 Labourers Cottages 58-62 Bryansford Village Grade B2

These are of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.

In terms of BH8, extension and alteration to a listed building HED advise that in their opinion the development has an adverse impact on the character of the Listed Building and its Setting and makes use of materials which are not sympathetic or in keeping with the Listed Building and disrupts the architectural unity of the group.

HED refer to Annex E (Guidelines for the Alterations, Extension and Maintenance of Listed Building) of PPS6 outlines the three main Guiding Principles for Conserving Historic Buildings. (relevant excerpts below)

*(1) The first principle is that of minimum interference and every scheme should therefore aim to conserve a maximum of the original fabric of the Listed Building whether or not it will be seen. Each piece of its fabric lost is like tearing a page out of this history book....*

*(2) The second principle is that the listed building in its original form should remain the dominant feature in relation to any additions or extension proposed to it...*

*(3) The third principle relates to architectural styles when altering or adding to a Listed Building. Sometimes it is essential for new work to match the existing architectural style... Where extensive changes are being considered, for example the addition of a substantial wing, it may be acceptable for the new work to make its own architectural statement which could contrast, but must never compete.*

HED considers that the proposal fails to conform to all three of the above principles due to the substantial loss of historic fabric in association with the proposed rear dormer and the scale and character of the proposed extension which competes with and dominates the scale and character of the Listed Building. The linear side extension will be particularly visible from the main Hilltown Road, where it will be directly viewed with the listed host property. This is where the discord between the new extension and original property will be most evident and detrimental.

HED also refer to the curtilage structures on site (including outbuildings and boundary walls) of Listed Buildings as described in Annex C [C14 – C18] of PPS6 which are also protected under Section 80 of the Planning Act (NI) 2011, and should be retained as far as possible. This may include incorporating outbuildings into any new extension.

#### **Policy BH 11 Development affecting the Setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

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

The setting of a listed building is often an essential part of the building's character. This is particularly the case where a demesne, landscaped parkland, garden or grounds have been laid out to complement the design or function of the building. Where a listed building has no ancillary land, for example in a town or village street, its setting may include a number of other properties or even

the whole street. These buildings may not necessarily be of great individual merit but combine to produce a visual harmony which enriches the setting of the listed building.

The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials. This does not mean however that new buildings have to copy their older neighbours in detail. Some of the most interesting streets in our towns and villages include a variety of building styles, materials and forms of construction of several different periods, which together form a visually harmonious group.

HED consider that the proposal has an adverse effect on the setting of the surrounding Listed Buildings in terms of scale, massing and alignment and that the proposal makes use of materials which are not sympathetic or in keeping with the character of the setting.

HED would advise that it considers this terrace of three as one of the **core buildings** of the village and as such is an important direct source of inspiration for development and change proposals as it is specifically mentioned in the Ulster Architectural Heritage Society Mourne Area Historic Buildings, Groups of Buildings and Areas of Architectural Importance.

Accordingly, HED would wish to see any extension to this building which makes its own architectural statement to demonstrate all three principles of Conservation, to be confined to the rear of the footprint of the existing building, and aligned so that it cannot be read with the traditional frontage of the terrace on any public approach. [It is not acceptable to rely on soft landscape screening to achieve this]

Therefore the proposal fails to satisfy PPS6 Policy BH8 & BH11 and also 6.12 & 6.13 of Strategic Planning Policy Statement Northern Ireland (SPPS) as it would have an adverse effect on the Listed Buildings and their Setting.

**Recommendation: REFUSAL**

After consideration of all relevant planning policies and other material considerations this proposal fails to satisfy the requirements of the aforementioned policies and it is therefore recommended that this application is refused.

1. The proposed development of contrary to the SPPS and PPS 6 PPS 6 Planning, Archaeology and the Built Heritage policies BH8 and BH11 in that the proposed development would have an adverse affect on the Listed Buildings and their Setting.

Signed: **A.McAlarney**

Date: **31 January 2022**





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1779/F

**Date Received:** 22.11.2017

**Proposal:** Amendment to planning approval LA07/2015/0782/F. Change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m.

**Location:** Lands Approx. 370m North East Of 32 Ballykilbeg Road, Downpatrick



#### **Site Characteristics & Area Characteristics:**

The site is accessed from the Ballykilbeg Road via an established lane which serves detached, dwelling, agricultural out-buildings and farm land. The site is within a larger agricultural grazing field to the rear of a drumlin. The site is relatively level, the larger agricultural field has undulating topography and is bound by a mature hedge. The site itself has no boundary definition as it is part of a larger agricultural field.

The site is located within the Lecale Area of Outstanding Natural Beauty, it is outside the settlement limits of Downpatrick and within a key landscape character area identified as Quoile Valley Lowlands. The area is largely agricultural with farm land and detached dwellings within the drumlin landscape.

#### **Site History:**

A history search has been carried out for the site whereby the following has been noted:



R/2011/0474/F – 370m North East of 32 Ballykilbeg Road, Downpatrick, - Erection of 1 No 225kw wind turbine with a hub height of 30m to supplement existing farm business – PERMISSION GRANTED - 26.07.2012

LA07/2015/0782/F - 370m north east of 32 Ballykilbeg Road, Downpatrick, - Amendment to planning approval R/2011/0474/F. Change of hub height from 30m to 40m - PERMISSION GRANTED - 10.06.2016

### **Consultations**

Consultations were carried out with the following bodies

NIEA: Natural Environment Division – No objections

NATS – No objections

Belfast International Airport – No objection

NI Water Windfarms – No objection

PSNI – No Objection

Environmental Health – No objections subject to conditions

Defence Infrastructure Organisation (MoD) – No objection

JRC – No objections

OFCOM – No objection

Arqiva – No objection

SES - not have a likely significant effect on the selection features, conservation objectives or status of any European site.

Historic Environment Division – Refusal Recommended proposal contrary to BH1 of PPS6

### **Advertising**

The proposal was advertised initially in the local press on 06.12.2017 and on 20.12.2017 following revision of the address, 21.11.2018 following revision of the proposal description and 05.12.2018.

### **Neighbour Notifications**

The relevant neighbours were notified of the proposal on 06.12.2017 and again on 20.11.2018.

### **Objections and Representations**

2 letters of objection have been received

- 95 Vianstown Road raises concerns about the increase in noise pollution from the proposal
- RSPB raises concerns about the impact of the proposal on the Red Kite population within the area.

### **Planning Policies & Material Considerations:**

Full permission is sought for an amendment to planning approval LA07/2015/0782/F. Change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m.

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS2, PPS3, PPS18, and supplementary guidance Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes (August 2010), PPS21.

### Consideration & Assessment

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.

Paragraph 6.221 of the SPPS provides strategic policy for renewable energy, the policy is broadly consistent with the policies set out in PPS 18 and 21.

Given the sites rural location, PPS21- Sustainable development in the countryside, provides the policy context which lists in Policy CTY 1 a range of development types which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Renewable energy projects are one such example and Planning Policy Statement 18 deals with these specifically.

### PPS 18 - Policy RE 1

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) Public safety, human health or residential amenity,
- b) Visual amenity and landscape character,
- c) Biodiversity, nature conservation or built heritage interests,
- d) Local natural resources, such as air quality or water quality, and
- e) Public access to the countryside.

### Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

- (1) That the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (2) That the development has taken into consideration the cumulative impact of existing wind turbines, those of which have permissions and those that are currently the subject of valid but undetermined applications;
- (3) That the development will not create a significant risk to landslide or bog burst;
- (4) That no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunications systems;
- (5) That no part of the development will have an unacceptable impact on roads, rail or aviation safety;

(6) That the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

(7) That above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

## Assessment

### Policy RE1:

#### (a) Public safety, human health or residential amenity

In terms of public safety, the location of the turbine has been deemed outside the critical 'fall over' distances as detailed in the accompanying best practice guidance (BPG) for PPS18. The BPG indicates that a safe separation distance for a single turbine is considered to be the height of the turbine to the tip of the blade plus an additional 10% which in this instance would equate to a recommended separation distance of approximately 72.6m.

The issues regarding telecommunications, aviation and military / security safety have been assessed via consultation with the relevant bodies. Their comments have been noted and it is concluded that they have no objections in principle to the proposal.

In assessment of the proposals impact on human health or residential amenity, issues relating to noise and shadow flicker are applicable.

In consideration of the issue of Noise, an acoustic assessment has been carried out and assessed in detail by Environmental Health. It has been concluded that there are no objections to the proposal subject to conditions relating to noise limits and reasonable complaints.

With regard to Shadow Flicker, PPS 18 states that in this region, only properties within 130 degrees either side of north, relative to the turbines, can be affected by shadow flicker. The policy also states that at distances greater than 10 times the rotor diameter from a turbine, the potential for shadow flicker is very low. An analysis of the submitted plans shows that two properties are within the 10 times the rotor diameter distance i.e. Nos 32 Ballykilbeg Road (384m) and 101 Vianstown Road (471.9m). These dwellings lie within the 130 degrees either side of north relative to the turbine.

The applicant has submitted a Shadow Flicker Impact Assessment Report, which concludes that these dwellings (which are referred to as H2 and H5), will fall below the 30 minutes per day and 30 hours per year threshold for shadow flicker exposure.

#### (b) Visual amenity and landscape character

The extent, intact character and cohesiveness of this drumlin landscape make it sensitive to wind energy development. The small scale of the drumlins, their often distinctive profiles and the high concentration of natural and cultural landscape features found here further heighten the area's overall sensitivity. Those areas which are designated as AONB might be especially sensitive.

Although this is often a mainly inward-looking landscape, with a relatively high tree cover that theoretically could screen wind energy development to some degree, the scale of the landscape features and subtle, small scale of the topography mean that this landscape is highly sensitive to wind energy development.

The turbine as existing is clearly visible for a short distance along Ballykilbeg Road, particularly when viewed on approach from the west along Vianstown Road. Views are quite prominent from the short distance between the Ballydugan Road junction with Buckshead Road to Byrnes Nursery and when travelling westwards along Ballydonnel Road. Views can also be obtained when travelling from Russell Cars on Ballydugan Road to 106 Ballydugan Road.

The turbine can appear quite prominent when viewed from some of the above points, it is important to note that the views are, however, quite short, often transient and obtained from roads upon which traffic moves quite quickly.

From some view points, particularly when travelling westwards along Ballykilbeg Road the turbine is effectively screened by the mature vegetation immediately surrounding it.

In consideration of the proposed increase to rotor diameter, it is my opinion that this change will only be apparent for very short distances along Ballykilbeg Road and that it will be difficult to appreciate the changes from some of the long distance views i.e. Ballyduggan Road.

### **(c) Biodiversity, nature conservation and built heritage interests**

The proposed turbine is located within extensive improved grassland with hedgerows and mature trees. It is located within the Area of Outstanding Natural Beauty (AONB) as designated in the Ards and Down Area Plan 2015.

The sites 6km south west of Strangford Lough Ramsar / SPA, 9 km north-west of Killough Bay Ramsar / Spa. 2.5km south of Hollymount SAC, 9km south-west of Strangford Lough SAC, 890m east of Ballykilbeg SAC, 2km north-west of Lecale Fens SAC, 4km north-east of Murlough SAC and a significant distance north-east of Carlingford Lough Ramsar / SPA.

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 impact of the proposal on protected species including Bats, Red Kites and other raptor species birds was extensively considered. NED have concluded that there are no concerns regarding impacts to bats from the proposed turbine amendment and that sufficient survey work has been carried out to determine the impact of the proposal on nesting and breeding raptors and the risk is considered to be negligible.

#### **Built Heritage Interests**

There are number of Archaeological sites and monuments in the vicinity of the site.

In assessment of these features, NIEA: Historical Monuments Unit were consulted and following a lengthy consultation they advised that the site is located within an archaeologically sensitive historic landscape, containing a number of regionally significant archaeological sites and monuments which are scheduled for protection under the Historic Monuments and Archaeological Objects Order (1995) NI. The setting of regionally significant sites and monuments are protected by Policy BH1 of PPS6 and by paragraph 6.8 of SPPS.

In assessment of the proposal to increase the rotor diameter to 52m and having reviewed all submitted information, Historic Environment division have concluded that the proposal would have adverse impacts upon DOW 037:044 a counterscarp rath and DOW 037:035 Ballynoe Stone Circle. They consider the proposal to be contrary to Policy BH1 of PPS 6.

It is important to note at this point that HED (Historic Monuments) were not consulted on the original wind turbine application - R/2011/0474/F. They were however consulted on R/2015/0782/F and while they have stated that their advice given on this subsequent application was constrained by this original planning decision, they nevertheless had no objections.

However, in light of the new HED setting guidance 'Guidance on Setting and the Historic Environment' and other casework in NI HED are now highlighting the impacts of this proposal on the settings of nearby monuments.

HED consider that no exceptional circumstances have been demonstrated in this case and this proposal cannot be made acceptable through conditions.

Policy BH1 of PPS 6 states that a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings will operate. Development which would adversely affect such sites of regional importance or the integrity of their setting will not be permitted unless there are exceptional circumstances.

In assessment of this it is noted that the monuments referred to by HED are to remain in situ and this proposal to increase the blade length of the approved turbine will not alter that.

DOW 037:044 a counterscarp rath is located 0.2km north east of the site, while DOW 037:035 Ballynoe Stone Circle is located 2.2 km east of the site.

The Planning Authority consider that as 40m high turbine has been approved on site, the increase in rotor diameter from 27m to 52m would not have a materially greater effect on the setting and integrity of these monuments.

Policy BH1 seeks to promote the overall understanding and enjoyment of monuments in State Care as heritage assets rather than places for more general recreation and amenity and it is not considered that this proposal would diminish that.

**The Planning Authority consider that it is appropriate in this instance to set aside the comments of Historic Environment Division.**

**(d) Local natural resources**

It is considered that the proposal will not impact detrimentally on local natural resources,

**(e) Public access to the countryside**

As the turbine is located on private lands, owned by the proposer, it is felt that the proposal will not impact on any rights of way, public access or public roadway.

This proposed turbine will be accessed via the existing laneway and on to Ballykilbeg Road.

## Conclusion

Having assessed the proposal against the relevant planning policies and taking into account the input of the Council's consultees along with all other material considerations, it is concluded that the proposed turbine would not have a materially more harmful effect in planning terms than the previously permitted turbine. It is therefore acceptable.

## Recommendation: APPROVAL

## Drawings

The Drawings upon which this approval is based are as follows: VE01, VE02 and 03.

## 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 VE01, VE02 and 03.

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

3. The level of noise emissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables attached shall be those of the physically closest location listed in the table, unless otherwise agreed by the Local Planning Authority.

**Table 1. Noise Limits**

Property	Wind Speed at 10m Height (m/s)									
	4	5	6	7	8	9	10	11	12	
<b>Noise Limits, dB L<sub>A90,10min</sub></b>										
32 Ballykilbeg Road	36.6	37.7	38.8	39.9	41.0	42.1	43.2	44.3	45.4	
30a Ballykilbeg Road	32.9	34.0	35.1	36.2	37.3	38.4	39.5	40.6	41.7	
101 Vianstown Road	34.4	35.5	36.6	37.7	38.8	39.9	41.0	42.1	43.2	
New property on Vianstown Road (346950,340397)	30.3	31.4	32.5	33.6	34.7	35.8	36.9	38.0	39.1	
106 Vianstown Road	29.3	30.4	31.5	32.6	33.7	34.8	35.9	37.0	38.1	

Reason: To control the noise levels from the development at noise sensitive locations.

4. Within 28 days of being notified by the Planning Office of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a consultant, approved by the Planning Office, to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in Pages 102-109 of ETSU-R-97. The Local Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

5. The wind farm operator shall provide to the Local Planning Authority the consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless otherwise extended in writing.

Reason: To control the noise levels from the development at noise sensitive locations.

6. At the time of erection, the wind turbine hereby permitted shall be fitted with a Low/Medium (Low if its less than 45m above ground level or Medium if it is more than 45m above ground level) Intensity, Omni-directional, Night Vision Compatible, Steady Red Obstacle light at the highest point of the hub. The light should be lit 24 hours a day, seven days a week and it is to warn low flying aircraft that there is an obstacle at this location.

Reason: In the interests of aviation safety

7. The wind turbine hereby permitted shall be removed and the site restored to its former condition within 25 years of the date of this permission, or within 6 months of the cessation of electricity generation at the site, whichever is the sooner.

Reason: To allow the Council to maintain control over this temporary form of development and reconsider the proposal in light of the circumstances then prevailing.

Case Officer: Claire Cooney

Date: 16.04.2021

Authorised Officer: A.McAlarney

Date: 16 April 2021



Comhairle Ceantair  
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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2019/1134/O**

**Date Received: 23<sup>rd</sup> July 2019**

**Proposal: Replacement dwelling and garage**

**Location: 90 Manse Road, Darraghcross, Crossgar**

### **Addendum Post Deferral**

This planning application initially appeared at committee on 11<sup>th</sup> March 2020 however was deferred for a site visit which took place on 7<sup>th</sup> August 2020. Before returning to committee it was necessary to satisfy the request for a full emergence/re-entry bat survey by NIEA.

The agent has provided the required ecological information which NIEA were consulted on. NIEA have since come back raising no ecological concerns to the proposal. As such, the second reason for refusal can be removed from the recommendation. However, officer's recommendation to refuse still stands on the basis that the building to be replaced is considered to be a vernacular rural building which should be retained.

### **Recommendation:**

Refusal is recommended



**Refusal Reason:**

1. The proposal is contrary to the SPPS and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be replaced constitutes a vernacular rural building, the loss of which would be detrimental to the heritage, appearance and character of the locality.

**Case officer:** Jane McMullan  
**Authorised by:** A.McAlarney  
**Date:** 27 September 2021

Our Ref: MSW/10514.L01/JK/JS

4<sup>th</sup> January 2022

Ms. Annette McAlarney  
 Senior Planning Officer  
 Newry, Mourne and Down District Council  
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Dear Madam,

**Ref: LA07/2019/1134/O – 90 Manse Road, Crossgar - Review of Structural Report**

Further to instruction to provide a review and critique of a structural report submitted in support of the above application, prepared by Savage Associates (Ref 21/2013) and Dated November 2021, a visual inspection of the building was undertaken on 21<sup>st</sup> December 2021; the findings of this inspection and our review of the report are set out below.

We understand that the purpose of the review is to provide an opinion, to facilitate assessment of the application under Policy PPS 21 CTY 3. In particular, to allow a decision to be made on whether the submitted structural report demonstrates that the building 'is not reasonably capable of being made structurally sound or otherwise improved'.

The building stands, facing nominally east, on a platform cut into a sloping field accessed directly off Manse Road, south of Darragh Cross. It is a single storey linear arrangement (Fig 1.0) accommodating two attached houses (herein referred to as north house and south house) with an extension (a byre) on the south gable which once provided livestock accommodation (Fig 2.0).



**Figure 1.0 Front (nominally east) elevation**

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10514220104 – 90 Manse Road – Review of Structural Report - JK



directors:

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v.a.t. reg. no. 497 1110 45

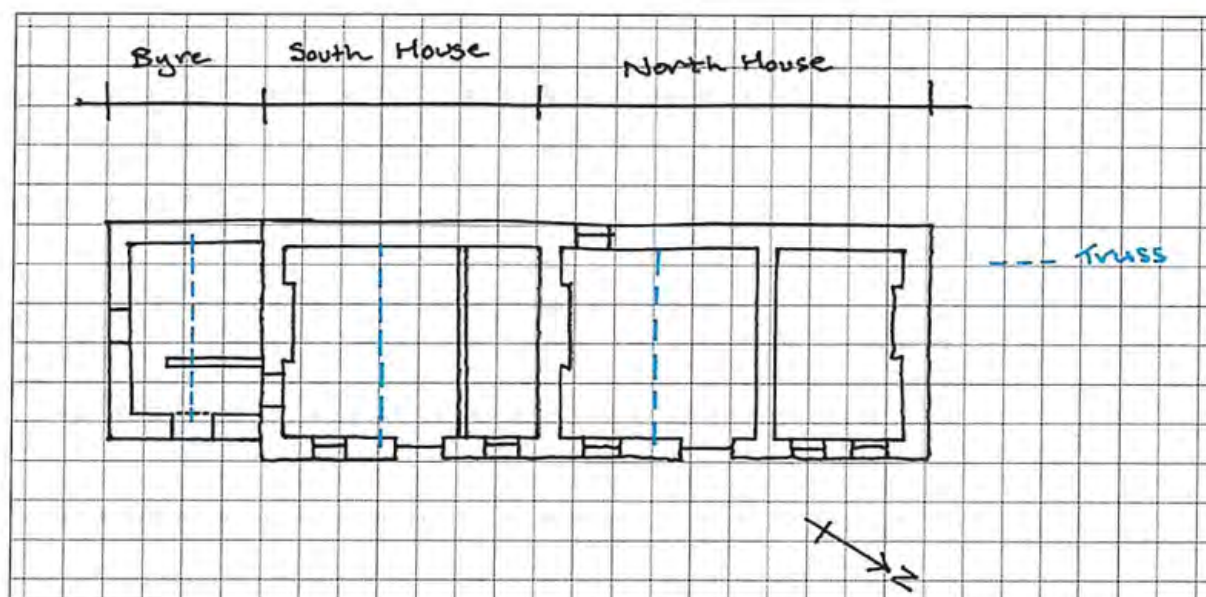


Figure 2.0 Plan

A review of historical OSNI maps shows the attached houses on the (1832 – 1846) First Edition Map and indicates that the byre was added between 1900 and 1907.

The structure of the building comprises a timber roof, natural-slate clad on battens on rafters, with mid-rafter purlins spanning over raised-collar trusses and onto gable/cross walls (Fig 3.0). Apart from one narrow internal cross-wall, the walls are of rubble stonework (approximately 500mm thick) set in lime mortar. The narrow cross-wall is unlikely to be original construction. There are three brickwork-topped rubble masonry chimneys over the houses, one on each gable and one on the party wall between the houses.



Figure 3.0 Timber roof over byre

With respect to structural condition, the roof ridge was found to be reasonably-well aligned over the attached houses but with a depression just north of the central chimney.

The slate covering was found to be generally intact on the front slope over the houses. A significant but localised loss of slates was found on the rear slope over the north house (Fig 4.0). The ridge tiles and upper courses of slates were found to be missing along most of the byre roof (Fig 3.0 and 5.0).



**Figure 4.0 Localised loss of slates on rear slope**

All three chimneys retain some of their rendered coating, to varying extents, and where absent significant weathering of the underlying masonry mortar was observed. The central and north chimney were found to be reasonably intact but the south chimney is partially disintegrated; with a visible lean towards the byre (Fig 5.0).



**Figure 5.0 Central and south chimneys**

The external walls were found to be generally free from evidence of distortion and settlement. A run of near-vertical cracking was observed at the north end of the front elevation (Fig 6.0).



Figure 6.0 Run of near-vertical cracking (to right of window)

Two, out of six number, brick flat-arches on the front elevation and the rubble masonry they support were found to have been rebuilt relatively recently (Fig 7.0). The remaining four number flat arches were found to remain intact.



Figure 7.0

The stonework over the byre door was found to be functioning adequately by corbel action, despite loss of stonework, perhaps with some support from the timber door frame (Fig 8.0). A significant growth of ivy was observed on the south elevation of the byre. The ivy appeared to have been previously cut at ground level but re-established from aerial roots within the masonry at approximately mid height of the gable (Fig 9.0).



**Figure 8.0** Byre door opening



**Figure 9.0** Ivy growth on byre gable

This growth will have adversely affected the integrity of the masonry locally and will progressively impact on the condition of this wall if left unattended.

The rear elevations was found to be free from evidence of significant distortion and settlement but cracking observed at the north end (Fig 10.0) may indicate detachment between the gable and the rear wall.



**Figure 10.0 Cracking at north end of rear elevation**

The masonry above the single opening on the rear elevation (Fig 4.0) was found to be adequately supported.

The north gable masonry wall was found to be free from evidence of significant distortion and settlement and much of its roughcast render was found to be intact (Fig 11.0).

Ivy growth on the rear elevation was found to be rooted within the ground and had not significantly affected integrity of the masonry (Fig 5.0).



**Figure 11.0 North gable**

Internally, both houses were found to be in similar condition. The walls showed no evidence of significant distortion or settlement but exhibit cracking associated with decay of embedded timber lintels over external and internal openings (Fig 12.0). Apart from the localised area in the north house where water ingress was evident through the locally missing roof covering, the timber boarded ceilings and visible ends of timber roof trusses were found to be reasonably dry, free from distortion and free from visible evidence of decay (Fig 13.0).



Figure 12.0 Cracks associated with timber lintels



Figure 13.0 Visually sound truss end and ceiling



The water ingress at the area of missing roof covering was found to have led to localised failure of a truss end and a number of rafter tails (Fig 14.0). This truss end failure accounts for the depression visible in the ridge line above this area.



**Figure 14.0 Failed truss end and rafter tails**

An intrusive timber condition survey would be required to assess the extent of roof timber decay throughout the building.

Given the condition of the roof and ceilings we consider the roof structure over the housed to be amenable to retention in-situ with a moderate extent of spiced repairs and some replacement of timber elements. Removal of slates, insertion of breathable felt and re-slating would be necessary to restore weathertightness.

Extensive water ingress observed along the length of the byre at ridge level has led to decay of the central truss, the top of the rafters, the upper battens and the purlin ends at the south house gable (Fig 15.0). We consider the extent of damage to warrant replacement of the byre roof.



**Figure 15.0 Byre roof damage**

The verticality of the front and rear external walls supporting the roof was measured using a 1.2m long digital-inclinometer. The measurement ranged from 87.0° to 89.8°, indicating a slight outward lean. The verticality of these walls remains acceptable i.e. steeper than 84.0° which we deem to be the critical limit for the height and thickness of the relevant walls of this building.

We consider the nature and extent of the defects observed and the current structural condition of the remaining fabric as sufficient to warrant adaption and incorporation of the fabric into a refurbished/extended new build using tried and tested structural repair and improvement techniques.

With respect to the structural report submitted in support of the planning application we summarise our opinion as follows.

The visual observations set out in the report are generally similar to our observations however with respect to the recommendations therein our opinions are as follows.

- Decay of timber lintels could be addressed structurally by replacement (using precast concrete lintels) and localised re-building of supported masonry.
- The suitability of door sizes is debatable; however, alterations could be accommodated structurally without compromising overall structural stability of the masonry walls.
- The recent rendered repairs are not evidence of defects greater than those identified by our visual inspection.
- The measured verticality of the walls indicates that the 'out-of-plumb' walls remain within an acceptable limit. The cracking on the gable wall could be addressed with tried and tested crack stitching methods.
- We consider localised repair and localised replacement of roof timbers over the attached houses to be practical based on our observations. We consider the roof over the byre, however, to be beyond practical repair.
- The configuration of the building does not preclude its adaption and extension.
- Adaptation of the building need not be confined to any particular arrangement.
- The appropriate sizing of the windows is debatable; however, forming openings on the rear elevation need not compromise overall stability of the masonry walls.

We deem the building to be amenable to structural improvement and we deem incorporation of the remaining fabric into a sensitively arranged larger dwelling arrangement to be structurally feasible.

Please note that this report relates to specific purpose noted and that no opinion is offered or is to be inferred with respect to other matters (such as damp, building services, pollution, wildlife etc) which we assume are subject to a separate assessment, if required by other specialists.

Should you require any clarification or further information please contact the undersigned.

Yours faithfully  
for ALBERT FRY ASSOCIATES LTD

**James P Kerr**  
B.Sc. (Hon), M.B.A., C.Eng., M.I.C.E., F.I.Struct.E., M.C.M.I.  
CARE Accredited Conservation Engineer



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/1161/F

**Date Received:** 7th August 2020

**Proposal:** Change of Use from rough grazing to motorhome park

**Location:** Adjacent to No.11 Altnadue Road, Castlewellan

**Site Characteristics & Area Characteristics:**



The site is comprised of a 0.25 hectare greenfield located along the minor Altnadue Road Castlewellan. The site is accessed via an existing concrete laneway which also serves the applicants dwelling and business at No 11 Altnadue Road. It is elevated above the public road and defined along all boundaries by a post and wire fence. The site is positioned on rising ground between two recently erected dwellings – a single storey dwelling at the roadside, adjacent and west of the access lane to the site and a two-storey dwelling to the immediate north of the site, as can be seen in the image below.



While the Altnadue Road has seen increased pressure for development in recent times, the area remains rural in character and is comprised predominantly of agricultural grazing land with single dwellings and small farm holdings dispersed throughout.

The site is located within the rural area outside any settlement and within an Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015.

#### **Site History:**

Q/1982/0026 - 11 ALTNADUE ROAD, CASTLEWELLAN - EXTENSION TO AGRICULTURAL STORE - PERMISSION GRANTED

Q/2001/0312/F - 11 Altnadue Road, Castlewellan. - Erection of a replacement garage. PERMISSION GRANTED - 30.08.2001

Q/2004/0064/O - Adjacent to No 11 Altnadue Road, Castlewellan. - Site for replacement dwelling. PLANNING APPEAL UPHELD

Q/2007/0002/RM - Land directly west and adjacent to 11 Altnadue Road, Castlewellan - Erection of dwelling - PERMISSION GRANTED - 07.08.2008

Q/2013/0276/F - 35m West of 11, Altnadue Road, Castlewellan BT31 9AW - Infill Dwelling - PERMISSION GRANTED - 07.04.2014

#### **Planning Policies & Material Considerations:**

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, 3, 6, 16 and 21 in addition, to the history and any other material consideration.

The application was advertised initially in the local press on 09.09.2020

The relevant neighbours were notified of the proposal on 15.09.2021

#### **Consultations:**

In assessment of the proposal consultations were considered necessary with

DfI Roads – No objections

DfC Historic Environment Division (HED) – No objections

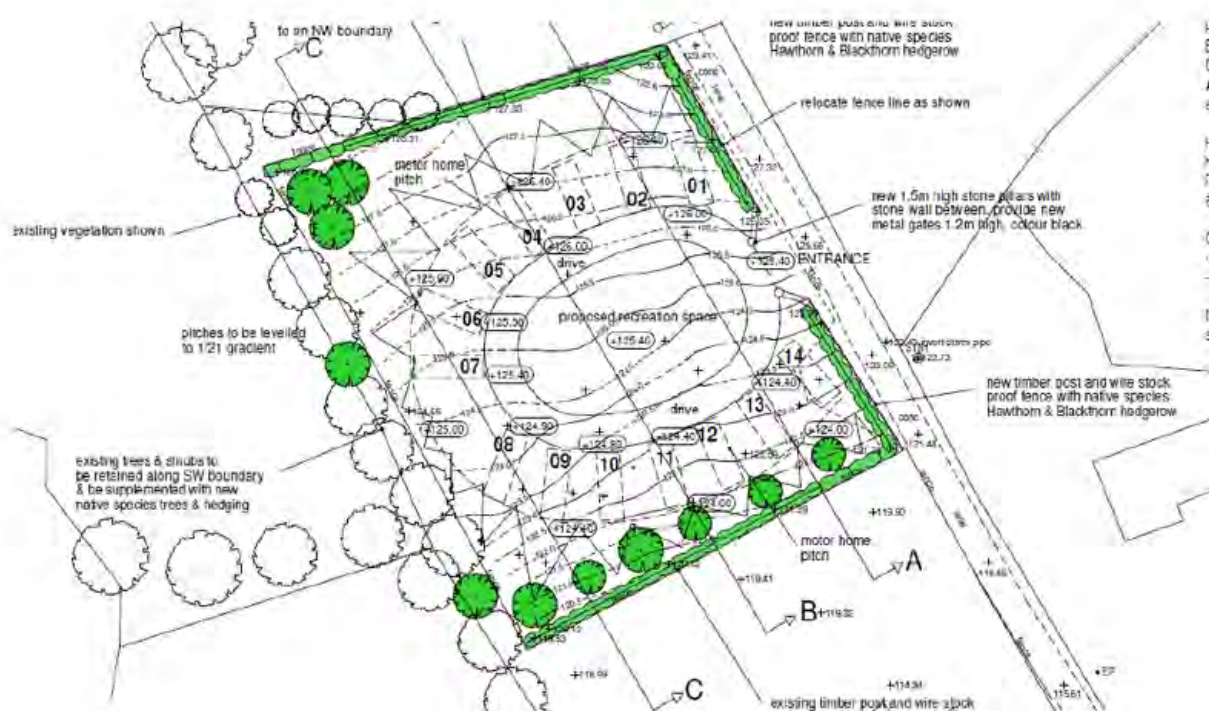
Environmental Health – no objections

#### **Objections & Representations**

No objections or letters of representation have been received regarding the proposal.

#### **Consideration and Assessment:**

The proposal seeks full planning permission for the change of use of the land from rough grazing to a motorhome park. The site is proposed to be developed as shown below, with 14 motorhome parking bays positioned off a central access drive and communal recreation area.



### Strategic Planning Policy Statement

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

Having considered the proposal against the SPPS and that retained PPS 21 it is noted that the SPPS is less prescriptive and therefore greater weight is afforded to the retained policies.

### PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits a range of development considered to be acceptable and will contribute to the aims of sustainable development. In relation to non-residential development, tourism development proposals in accordance with PPS 16 are permitted.

### PPS 16 Tourism

Policy TSM 6 – New and Extended Holiday Parks in the Countryside states that planning permission will be granted for a new holiday park 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;

In consideration of this criterion it is noted that while the site is positioned behind an existing dwelling its elevated nature and lack of sufficient effective screening, means that a holiday park of the type proposed would be readily visible and lack integration.



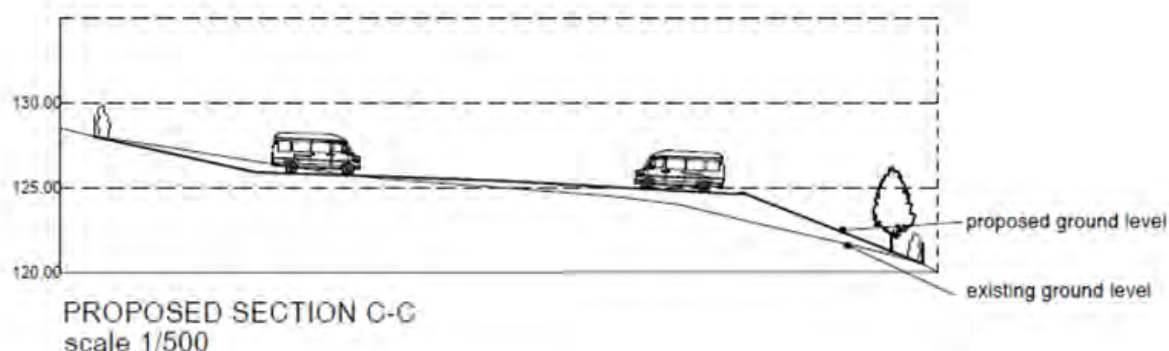
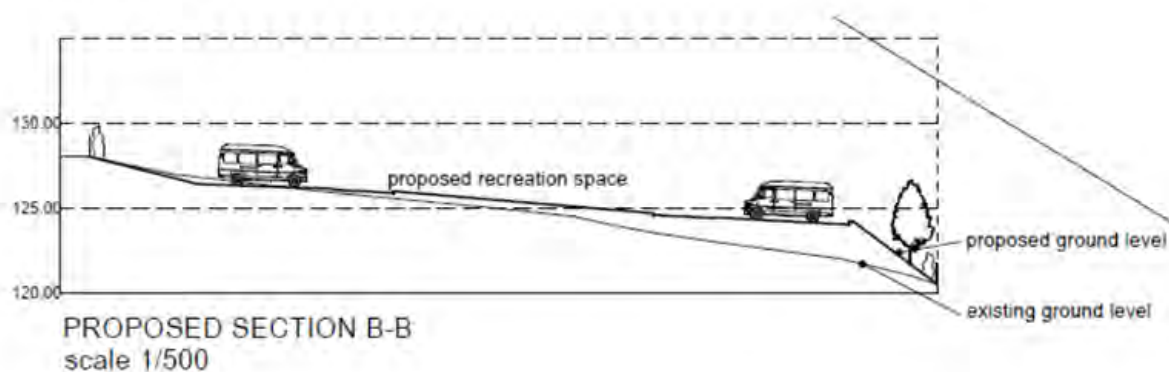
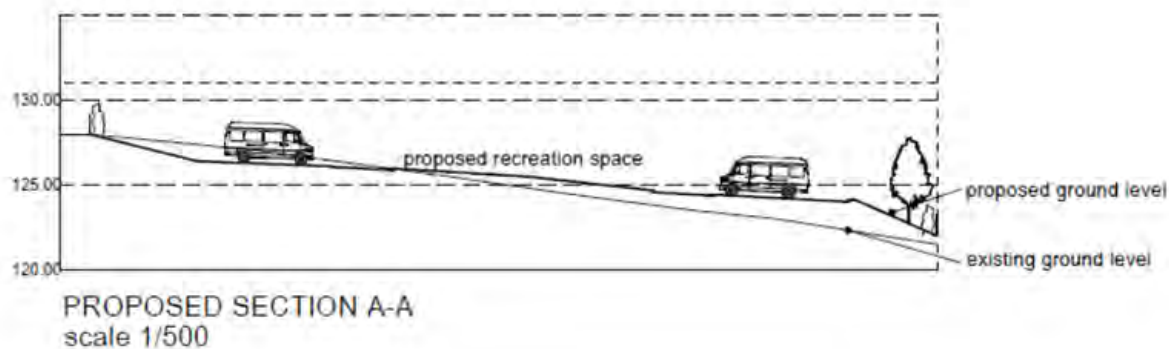
When viewed from longer distances at Market Road for example, as shown in the image above, the elevated and open nature of the site is evident and would not allow for the successful integration of 14 motorhomes. The proposal from these viewpoints would be unduly conspicuous in the landscape.

Furthermore, in order to develop the site, a substantial level of cut and fill would be required to facilitate the development given the levels of the site.

The cross section drawings below, show the level of works required and highlight the unsuitability of the site for the development proposed.

Section B-B in particular shows that the site would have to be filled in excess of 2m to provide a level surface upon which the motorhomes could be parked. This level of alteration to the landscape is considered to be unacceptable, particularly given the elevated and conspicuous nature of the site and its surroundings.

The proposal could not be developed without adverse impact on the visual amenity and character of the area.



The proposal does not comply with this criterion

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;

As detailed above the site lacks sufficient natural or built features which would provide effective integration into the landscape.

The proposal does not comply with this criterion.

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;

In assessment of that submitted against the above requirement it is noted that the site is intended to accommodate 14 motorhomes within a 0.25-hectare site. A central communal area has been

provided, it is considered therefore that there is adequate provision of communal open space within the development.

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 above site layout plan clearly demonstrates that the motorhomes will be positioned within the site in a formal arrangement around a central driveway. While it is noted that the boundaries of the site are to be planted, such planting would take a considerable amount of time to mature, in the interim the development would appear unduly conspicuous in the landscape. The proposal would not benefit from soft landscaping.

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;

Not applicable in this case.

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;

In assessment of the above it is noted that there is a monument in the immediate area – an Enclosure DOW043:047. In assessment of this feature, Historic environment division have been consulted. They have offered no objection to the proposal and advised the Planning Authority that they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

Not applicable in this case.

It is considered therefore, based on the above assessment that the proposal does not comply satisfactorily with the requirements of TSM 6 of PPS 16 and consequently CTY 1 of PPS 21. It will therefore be refused on that basis.

### **TSM 7 Criteria for Tourism Development**

All proposals for tourism development are subject to consideration under TSM 7 of PPS 16, which requires proposals to meet the Design Criteria listed A – F and General Criteria G-O.

#### **Design Criteria**

a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

(c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;



- (e) is designed to deter crime and promote personal safety;
- (f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

### General Criteria

- (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h) it does not harm the amenities of nearby residents;
- (i) it does not adversely affect features of the natural or built heritage;
- (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k) access arrangements must be in accordance with the Department's published guidance;
- (l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
- (m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;
- (n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
- (o) it does not extinguish or significantly constrain an existing or planned public access to the coastline

As discussed above, all statutory consultees have returned no objections to the proposal, however, the Planning Authority consider that the application if permitted would offend criteria (C) and (G) in that the site does not have the necessary enclosure and consequently the proposed use would have a detrimental impact on the landscape quality and character of the surrounding rural area.

### TSM 8 – Safeguarding Tourism Assets

This policy states that Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. This policy is applicable given the sites location with the AONB.

Paragraph 7.40 of TSM 8 advises that the safeguarding of tourism assets from unnecessary, inappropriate or excessive development is a vital element in securing a viable and sustainable tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists.

As discussed above, it is considered that approval of this proposal would have a detrimental impact on the AONB, due to the sites lack integration and consequential conspicuous nature within the surrounding landscape. For this reason the proposal fails to comply with TSM 8.

### CTY13 Integration and Design of Buildings in the Countryside

In assessment of the design, siting and integration of the proposal, Policy CTY13 of PPS 21 is applicable which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

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

It is considered that when travelling along Altnadue Road, the proposal if permitted would be notable due to sites elevated nature and lack of integration.

While viewing the site from more medium to long distances, as described above, it is considered that the proposal would be a prominent feature in the landscape, due to the lack of integration of the site.

As discussed above, the ancillary works to enable the site to be used for its intended purposes would require a significant level of cut and fill. Such works are deemed to be unacceptable and would not integrate within their surroundings.

While it is noted that the applicant has indicated new landscaping, such planting will take time to mature and would not provide the proposal with the necessary integration in the meantime. The Planning Authority consider therefore that the proposal would not have an acceptable level of integration and would in turn increase the overall visual impact of the proposal on the area.

The proposal therefore fails to comply satisfactorily with the requirements of CTY 13.

#### **CTY 14 Rural Character**

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

A new building will be unacceptable where:

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

Paragraph 5.75 of CTY 14 states that the countryside of Northern Ireland is valued for its intrinsic landscape character, nature conservation interest and built heritage, as well as being a resource for tourism and recreation. While the countryside is constantly changing in response to human activity, the pace of change is now more rapid than ever. This has resulted in the erosion of the rural character of parts of the Region, some of which now appear sub-urbanised and built-up due to the cumulative effect of ongoing development.

It follows therefore that the cumulative impact of a proposal for a motor home park for 14 vehicles on a site which lacks sufficient existing vegetation to effectively absorb and integrate the development

would be detrimental to the rural character of that landscape. It is for this reason also that the application is recommended for refusal.

## PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. The site is sufficiently removed from any nationally or internationally designated site or local site of nature conservation importance. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that ;

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

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

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it does not comply satisfactorily with the requirements of Policy NH 6.

**PPS 3**

The proposal seeks to use and existing unaltered access onto Altnadue Road.

Policy AMP 2 of PPS 3 is applicable which states planning permission will be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

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

(B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Criteria A is applicable.

Following a consultation with DfI Roads, they have advised, there are no objections to the proposal.

It is considered that PPS 3 has therefore been complied with,

**Conclusion**

On balance and taking into account the objection letters it is concluded that the proposal would cause demonstrable harm to interests of acknowledged importance and is unacceptable to prevailing policy requirements.

**Drawings**

The Drawings considered as part of this assessment are as follows

**1 and J770 / SK02 Rev A**

Recommendation: **REFUSAL**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policies CTY1, CTY13 and CTY14 of Planning Policy Statement 21, Policy TSM 6, TSM 7 and TSM 8 of Planning Policy Statement 16 Tourism and NH 6 of Planning Policy Statement 2 in that the proposal in terms of siting, layout and landscaping is not based on an overall design concept that respects the surrounding landscape, rural character and site context.

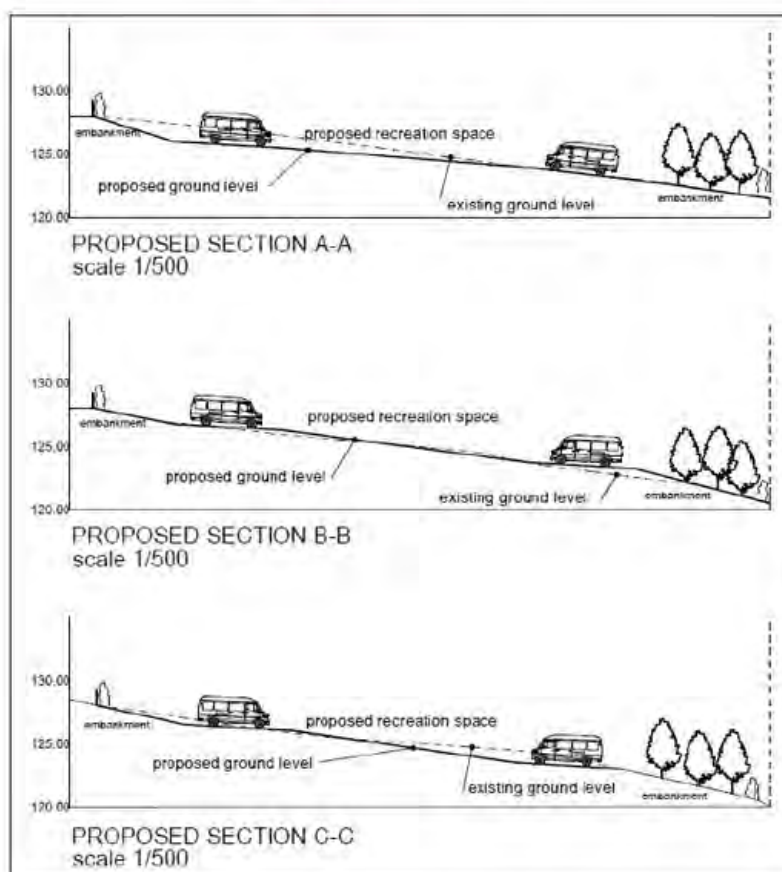
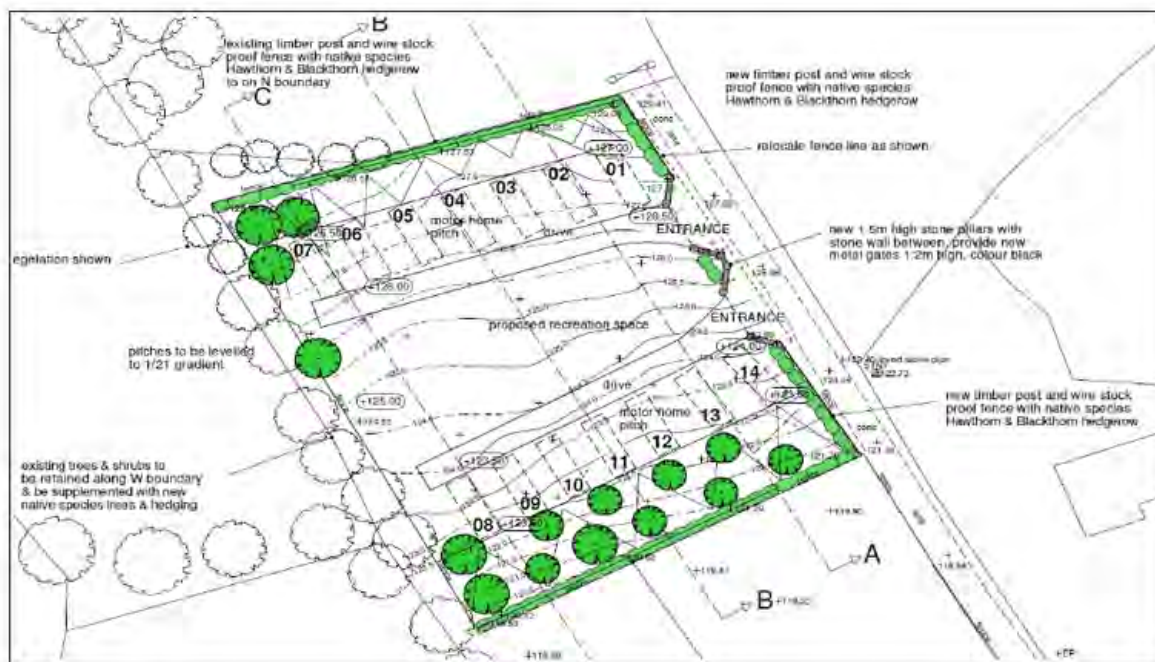
**Case Officer:** Claire Cooney **Date 17.12.2021**

**Authorised Officer:** David Fitzsimon **Date: 17.12.2021**

**Planning Application Reference LA07/2020/1161/F****Application by Mrs M Brannigan for change of use to Motorhome Park on land adjacent to 11 Altnadue Road, Castlewellan. 148**

1. The application is for the change of use of a small field, less than a quarter of an acre in area, to a parking area for motorhomes. The applicants, Margaret and Micky Brannigan are lifelong residents of this area, and Micky runs a car repair business immediately adjacent to the application site. They have enjoyed many holidays across all parts of Ireland and further afield using their motorhome. With the experience they have gained over the years they wish to provide a park for similar minded people. In addition to the park, Micky wishes to develop a walking trail through Altnadue Mountain with the possibility of opening, on route, an existing dwelling house, which is recorded on a map dated 1818, to be used as a local museum for artefacts found in the locality.
2. The proposal is a tourism development project and the relevant planning policy context is provided by Planning Policy Statement (PPS) 16: Tourism. While the single recommended reason for refusal makes reference to a wide range of policies in the PPS's, essentially the main concern is that the proposed change of use would have an adverse impact of the landscape and the rural character of this Area of Outstanding Natural Beauty. These are matters which, for an application of this nature, are addressed principally by Policy TSM6 of PPS 16. Reference is also made in the recommendation to the design and general criteria set out in Policy TSM7.
3. In regard to Policy TSM6 the principal concern relates to the integration of the proposal into the landscape and its impact on the visual amenity and rural character of this Area of Outstanding Natural Beauty. Contrary to the view expressed in the case officer's report, the site is located within an area that has the capacity to absorb this small development without adverse impact on rural character or visual amenity. In the vicinity of the site there is a long stretch of existing development, particularly along the northern side of Altnadue Road which provides access to it. Included within this elongated cluster of development there are some 14 dwellings, as well as groups of farm buildings, domestic outhouses and some commercial buildings. The site itself is surrounded by existing development; there are buildings between the site and the road, to the side of the site and a 2 storey dwelling house in a more elevated position to its rear. Together with existing vegetation, the built form in the vicinity will effectively integrate the proposal into the landscape. In any case the application site is not visible from Altnadue Road. Views from Dublin Road are distant and largely screened by intervening vegetation. There are also views from further to the south from Market Road but it is only a single lane carriageway and is very lightly trafficked. From these viewpoints the proposal would be seen enclosed by the existing cluster of buildings along Altnadue Road. The proposed landscaping and associated planting will further screen the proposed change of use from view. The refusal of planning permission on this basis has not been justified.
4. Policy TSM6 states that proposals of this nature must be accompanied by a layout and landscaping plan. This application is for change of use only and does not involve built development. However in order to provide relatively flat pitches as parking bays for the motorhomes, some earth works will be required. It is accepted that the site layout plan previously submitted, including the sections, provided for an unnecessarily high level of infilling. A revised scheme incorporating minor modifications to the layout so that infilling is kept to a minimum has now been submitted, and a copy is incorporated below.
5. Policy TSM7 sets out design criteria for proposed developments of this nature. The development will comply with the design criteria in sub paragraphs (a) to (f) of Policy TSM7. The issue, raised in paragraph (g), of compatibility with landscape quality and integration of the proposed change of use into the landscape, has been addressed above. The remaining criteria of Policy TSM 7 are satisfied. The refusal of planning permission on the basis of policies TSM6 & 7 of PPS16 has not been justified.
6. The proposal is a tourism development project. Being located within the foothills of the Mourne, the application site is ideally located to facilitate the increasing numbers of visitors to this area. Within the immediate vicinity there is easy access to Castlewellan and Tollymore Parks and to the High Mourne.

The applicant is prepared to make a substantial investment to provide increased parking and overnight facilities for motorhomes. There is no doubt that the proposal will bring significant benefits to the tourism industry in this part of the Mourne. There is no evidence in the case officer's report that its economic impact has been considered in arriving at the recommendation to refuse planning permission. Nonetheless the economic benefits are a material consideration and should be weighed into the overall consideration. The weight to be attached to the economic benefits of this proposal is a matter for the Councillors. I would contend that the policies contained in PPS16: Tourism are supportive of tourism development projects. The policy for tourism development in the countryside is that such proposals "..... will be facilitated" (para. 5.1). Policy TSM6 is positive and sets out a presumption in favour of the granting of planning permission for new holiday parks, provided no harm will result, which is the case here. The Council have an important role in tourism development within the area. The applicant would welcome the Council's support in taking this project forward.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/0787/F

**Date Received:** 21.04.2021

**Proposal:** The application is for full planning permission for demolition of existing bungalow dwelling and integrated garage to provide new build detached two storey modernist style dwelling with a new finished floor level raised above the flood plain level. Existing rear terrace to be raised to provide level access with new dwelling. Alteration to front landscaping to provide additional hard standing. Existing stone clad front perimeter wall and pillars to be rendered smooth and painted.

**Location:** The application site is located at 26 Bryansford Avenue.



#### **Site Characteristics & Area Characteristics:**

The site is comprised of a single storey detached dwelling with integral garage and associated front and rear garden. The existing dwelling is a bungalow fronting on to Bryansford Avenue, which is sitting at a position approximately 0.3m below the level of the road and is set back approximately 25m. The site is accessed directly off Bryansford Ave with vehicular access to garage and in curtilage parking along the boundary to No 24. There is an existing detached garage/store along this boundary which has monopitch roof and is finished in dark/black composite cladding. The existing dwelling has a standard pitched roof construction with concrete interlocking roof tiles. There are three chimneys all projecting from the rear elevation roof. The dwelling was in the process of being vacated at the time of the site visit. The neighbouring properties to each side are both large detached two storey houses with various

extensions/alterations and detached garages to the rear. The rear of the site backs onto Castle Park and is in close proximity to the Shimna River.

The side boundary with No.24 Bryansford Avenue (which sits at a slightly higher level to this property) comprises of a 1.6m high mature laurel hedge while the rear boundary between the rear amenity space of these two properties is defined by a 1.8m high vertical boarded timber fence and the side elevation of a large detached garage belonging to No.24. The rear boundary treatment to Castle Park is comprised of an over 2.0m high mature hedge. The boundary with No.30 Bryansford Avenue is defined by a 2.0m high mature hedge. The front boundary of the site to public footpath adjacent to the road is defined by a 0.5m high natural stone wall with a 2.0m high 'Castlewellan Gold' type hedge behind. The site is located within a low density mature residential area with a mixture of two storey detached houses and single storey detached bungalows.

#### **Site History:**

LA07/2017/1022/F | Rouken Lodge, 26 Bryansford Avenue, Newcastle | First floor extension to dwelling, detached garage and supplementary works | Permission Granted 22.08.2017.

R/2015/0113/F | 26 Bryansford Avenue Newcastle | Single storey extension and replacement garage | Permission granted - 31.07.2015

Immediate area

R/2014/0529/F | 24 Bryansford Avenue Newcastle | Erection of replacement dwelling & domestic garage | Permission granted - 19.05.2015

R/2010/0216/F | 24 Bryansford Avenue Newcastle | Four apartments comprised in one, two storey block with alterations to the existing access, new private sewage treatment plant, parking and associated site works | Permission refused - 01.07.2014

R/1999/0273 | 32 Bryansford Avenue Newcastle | 2-storey extension to rear of dwelling  
Permission granted.

R/1997/0894 | 49 Bryansford Avenue Newcastle | Roofspace conversion with provision of window and velux | Permission granted.

#### **Planning Policies & Material Considerations:**

The site is located within the settlement limit of Newcastle and near to Local Landscape Policy Area 2 and a Site of Local Nature Conservation Importance – Shimna River Corridor and near to an area of Existing Amenity Open Space and Recreation as stated in the Ards and Down Area Plan 2015 and shown on Map No. 3/004a.

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 15 – Planning and Flood Risk

#### **Consultations:**

NI Water – Statutory response – No objections

DFI Roads – No objections

NIEA – Water Management Unit – Water Management Unit note this is for a replacement building. If this is considered a 'like for like' replacement dwelling with no additional sewage loading then Water Management Unit would have no objection to this aspect of the proposal.

NIEA – Inland Fisheries - Given that storm and foul water are to utilize existing mains networks Inland Fisheries would consider there to be little potential impact to fisheries interests in the area.

NED - NED requires the submission of a Preliminary Ecological Assessment (to include the Bat Roost Potential for the development site and building due for demolition) to be completed by a suitably qualified and experienced ecologist in order to complete a full assessment of the proposal.

Rivers Agency – No objections

Shared Environmental Services – No objections

#### **Objections & Representations**

In line with statutory requirements six neighbours have been notified on 19.05.2021. The application was advertised in the Mourne Observer (Statutory Expiry 26.05.2021). No objections have been received and 21 letters of support have been received in relation to the proposal.

#### **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.

#### **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. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhood's are important matters to consider.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment. 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 replacement of a dwelling at No 26 Bryansford Road. 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.

As mentioned above the area is predominantly residential along this part of Bryansford Ave and opposite. Dwellings along Bryansford Ave are traditional in form where they vary between bungalow, two storey, two and a half storey and chalet bungalow with dormers with a variation of pitched and hipped roof types. The proposed dwelling changes the scale, massing, footprint and height in comparison to the building on the site at present with a variation in the colour and type of materials and finishes.

The design and form of the proposal would be out of character with the dwellings along this part of Bryansford Avenue. The proposed development would draw the eye because of the flat roof detailing and box like appearance as the building is now increasing in height to two storey. Whilst policy allows for contemporary or innovative design, in an area where the majority of dwelling designs are broadly traditional, the contemporary nature of the proposal would appear incongruous and the overall form out of character.

The planning authority is not opposed to contemporary design provided that design of development draws upon the best local traditions of form, materials and detailing. Indeed the

agent quoted a number of examples in her supporting information of more contemporary buildings in an around the Newcastle area which have been approved by the Planning Authority. The application further west at No 79 Bryansford Road was referred to, its context being located beside an existing well established childcare facility is not comparable to this site. It is noted, however, that the building while contemporary in nature still maintained its pitched roof form. In any event each case falls to be determined on its own merits within its evidential and site specific context and direct comparables are rare.

The application is contrary to QD1(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 or landscape features identified.

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

As this is a replacement dwelling on the same site, the proposed dwelling can provide for higher than 70msq of amenity space with a resultant back garden depth of approx. 30m.

**(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, 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 proposed layout shows sufficient space for two car parking spaces and associated manoeuvring to the front and side of the dwelling.

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

As mentioned above the dwelling will be visible/noticeable in either direction of travel along the Bryansford Road, due to its box like appearance and the flat roof finish. While it is acknowledged that the properties on either side are large two storey properties, the proposal would still be incongruous and out of keeping with the surrounding area. The existing garage on site comprises dark/black composite cladding. The issue of the colour of the cladding was

raised with the agent and samples of the weatherboard were submitted for consideration. The 3 samples ranged from light grey to mid grey. This would be a marked improvement to the black composite cladding on the garage and this element of the proposal could be controlled through the use of a condition. However, the change in the colour of the finishes is still not sufficient to overcome the issues of the form of development.



**(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**

Due to the existing boundary conditions, large separation distances and topographical features this proposal will create no unacceptable overshadowing or over looking to any neighbouring property. The proposed upper floor side window is an ensuite window and could be conditioned to have obscure glazing.

**(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.

In consideration of the above, while there would be no issue with the density or size of the dwelling, the overall form of development would not be in keeping with the established residential area. Policy LC1 (b) of PPS7 Addendum: Safeguarding the Character of Established Residential Areas is offended.

### **PPS 2 – Natural Heritage**

The application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project. SES having considered the nature, scale, timing, duration and location of the project has concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. There are no viable pollutant pathways for effects on any European site.

NIEA – NED have also considered the application and had requested a bat survey to be carried out. Given the good and weathertight condition of the property at the time of the site visit and having been occupied until recently, it was not deemed to be necessary to ask the agent to provide this information. The applicant's attention, however, is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence to deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat. If there is evidence of bat activity / roosts on the site, all works should cease immediately. The use of an informative on any planning approval would highlight this issue for the applicant's attention.

### **PPS 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.

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

### **Planning Policy Statement 15 – Planning and Flood Risk (Revised September 2014)**

Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains and Policy FLD 2 – protection of Flood Defence and Drainage Infrastructure and Policy FLD 5 Development in Proximity to Reservoirs set out the main considerations that the Council will take into account in assessing proposals for development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere or any development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. Having reviewed the submitted Flood Risk Assessment DfI Rivers while not being responsible for the Flood Risk Assessment and associated information, accepts the applicant's logic and has no reason to disagree with its conclusions.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (Refer to section 5.1 of PPS 15).

### **Conclusion**

On balance while the principle of a replacement dwelling on the site is acceptable, the design and form of the replacement dwelling would be out of character in its immediate context.

**Recommendation:**

Refusal

**Refusal Reason:**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policies QD1 (a) & (g) of Planning Policy Statement 7- Quality Residential Environments and LC 1 (b) of Planning Policy Statement 7 (Addendum) 'Safeguarding the Character of Established Residential Areas in that the design of the development does not draw upon the best local traditions of form, materials and detailing and would appear incongruous in the street scene resulting in a style of development not in keeping with its immediate context.

**Informative**

The plans to which this refusal relate include: **L02 & L03.**

<b>Case Officer</b>	<b>C Moane</b>	<b>Date</b>	<b>13/12/2021</b>
<b>Appointed Officer</b>	<b>A.McAlarney</b>	<b>Date</b>	<b>13 December 2021</b>



Reference	LA07/2021/0787/F
Location	26 Bryansford Avenue
Proposal	Replacement Dwelling

### Response to Refusal Reasons

The applicant received an approval for a two storey flat roofed extension in 2018.

However in August 2020, Storm Francis devastated Newcastle, and unfortunately the applicants were one of the victims of this storm, with their house having been destroyed as part of this flood event.

The entire family then had to relocate at the time and to this day have still not moved back due to the damage caused.

The applicant then applied for a replacement dwelling, to raise the finished floor level above the flood plain.

The refusal of this application has now added further stress to the family, as the family desperately wanted to return to their home, but are unable to do so until the dwelling has been rebuilt.

Approval of this application would finally allow the family to move back home.

The Planning Authority have recommended the application for refusal as they consider the proposed design, in particular the flat roofed element of the replacement dwelling to be inappropriate for the site's immediate context.

However, and as I have mentioned before, an extant approval for a contemporary, flat roofed, two storey extension exists on the site (LA07/2017/1022/F).

See the screen for an indication of what has already been approved on the site. The Planning Authority approved the extension in 2018 stating *"due to the distance setback almost 25m from the road, the existing mature boundary conditions and the scale of the large two storey properties to each side, it is not considered that this will be a prominent feature or out of keeping with the surrounding area."*

Moving on to the proposed replacement dwelling. As you can see on the left, the replacement dwelling has incorporated a similar flat roof design to what is already approved on the site. Therefore if it was considered appropriate in 2018, it should be considered appropriate today.



On the right hand side of the screen, these two images represent the views of the site in either direction. The red line represents the frontage of the site.

The crux of the departments argument boils to what is considered the character of the area. The department considered this to be the immediate context of the site, however recent appeals, including **2019/A0012 did not** consider that houses within immediate vicinity of the site to represent the surrounding context, but it was in fact a much wider area comprising a range of house types and designs.

This was again confirmed in appeal **2018/A0251** where the commissioner agreed that when assessing an established residential area, the LPA should assess the whole of the ERA and not just those properties immediately abutting the site

Therefore, considering the wider context of the site, there is an architectural variety within the area.

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If we move on to the next slide, just 245m northwest of the site the department approved an application which linked nos.75 and 79 Bryansford Avenue via contemporary flat roof to form a single building. This proposal included a range of contemporary and colourful modern materials. The Case Officers report highlighted: *"While the new building moves away from the existing style of buildings along this part of the road and given that the existing Chatterbox building has changed the character of the street scene..., on balance it is considered ... this proposal would be acceptable"*

Another example of a contemporary dwelling within the Established Residential Area is no.2 Riverside Park, located just 180m from the site. This dwelling incorporates a similar flat roofed modern design. In this application the agent submitted examples of contemporary dwellings at 142 and 169 Tullybrannigan road, which are up to 1.4km from the site. The Department accepted these examples as representing a variety of dwellings within the area.

Another example in Newcastle is no.31 South Promenade, this proposal incorporated a flat roof, modern design which was deemed acceptable. If we move on to the next slide, you will see the Burrendale Hotel which is one of the most prominent buildings in Newcastle and incorporates a flat roofed design.

The building shown on the screen now is located on the Harbour Road in Kilkeel, however the context of the site is similar. There were a variety of building types noted in the area and as a result, this application was approved.

For the reasons outlined today, We respectfully request the Committee overturn the case officer recommendation and approve this application.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2021/1023/O**

**Date Received: 27/05/2021**

**Proposal: Private dwelling with domestic garage on gap/infill site.**

**Location: Immediately south of 21 Whiterock Road, Newtownhamilton.**

**Site Characteristics & Area Characteristics:**

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is an area of agricultural land set back from the edge of the public road, the site is part of a larger field and is within the south eastern area of the field on an elevated portion of land. The site has no direct access to the public road given that it does not abut the road, the application plan submitted shows the site to be accessed via a narrow access lane that leads from the public road to No 21 and its associated buildings which are set to the north of the site.

The site is located within a rural area, there are other properties and farm buildings within the surrounding area, as stated to the north of the site is No 21 and an associated building, these buildings are set back from the road with access via a narrow access lane.

To the south of the application site is No 17 and associated agricultural buildings, these buildings are also set back from the public road with access via an existing laneway. Beyond the laneway to access No 17 is a recently constructed one and a half storey property No 15 which abuts the public road.

**Site History:**

No relevant planning history.

**Planning Policies & Material Considerations:**

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

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

- Building on Tradition.

**Consultations:**

DFI Roads – No objections.

NI Water – Generic response.

DFI Rivers – No objections.

Defence Infrastructure Organisation – No objections.

**Objections & Representations:**

The application was advertised on 16/06/2021, five neighbours were notified on 11/08/2021 and 08/09/2021, no representations or objections have been received.

**Consideration and Assessment:****Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

**Planning Policy Statement 21 – Sustainable Development in the Countryside**

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for infill dwellings in accordance with policy CTY8.

**Policy Consideration**

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

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. To the north of the application site is No 21 and its associated buildings, these buildings as previously stated are set back from the public road with access via a narrow laneway, these buildings do not have a frontage with the public road. It is also considered that the application site does not have a frontage given its position set back from the road edge. No 17 and its surrounding buildings is also set back from the road with access

via an existing laneway, these buildings are not considered to have a frontage with the public road given their positions set back from the road edge. No 15 set further to the south of the application site is considered to have a frontage with the public road. It is considered that 3 buildings are not located along the road frontage and as such there is not an otherwise substantial and continuously built up frontage present.

The second step in determining if an infill opportunity exists is to identify whether the gap site is small and the third step in determining if an infill opportunity exists is whether in terms of size, scale, siting and plot size the proposal would respect the existing development pattern. The proposal is for outline permission and so little details are provided, the application is for one dwelling on the submitted site. The application site is not considered as a small gap given its size, the site has a length of approximately 120 metres. The agent has stated on submitted information that it is intended to position an agricultural building in the northern portion of the site, given that there is no approval for such a building and the building is not currently in place little weight can be given to what might be proposed in the future on an area of the site. The large size of the site is not in keeping with the size, scale and plot size of existing development in the area and it would not respect existing development patterns in the area.

The proposal is not considered a small gap and it will not respect existing development in the area given the large size of the application site.

The fourth step of the infill policy in CTY 8 that must be considered is whether the proposal meets other planning and environmental requirements.

#### **Integration, Design and Rural Character**

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is a relatively open agricultural field located slightly back from the road edge on an elevated site

and as such a dwelling on the site would be considered a prominent feature in the landscape. The site at present is open to views as the site lacks natural boundaries and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

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

As previously stated the site is open to views from the public road and would be open and would require substantial planting to allow a dwelling to integrate and so any dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area. As the application site is not considered to have a frontage with the public road it is not considered that it would add to or result in a ribbon of development. It is considered that the proposal fails to comply with parts a and b of Policy CTY14.

**Access and Parking**

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

**Development relying on non-mains sewerage.**

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

**Recommendation: Refusal****Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for a building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to and further erode the rural character of the countryside.

**Case Officer:****Wayne Donaldson****Date: 30/11/2021****Authorised Officer:****David Fitzsimon****Date: 01/12/2021**

**Surveyors & Assessors  
Architectural & Development Consultants  
Structural & Civil Engineering Consultants**

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Newry Mourne and Down District Council  
Planning Office  
O'Hagan house  
Monaghan Row  
Newry  
Co. Down

Date 1st February 2022  
Our Ref 12505  
Your Ref LA07/2021/1023/O

**Re : Proposed private dwelling with domestic garage in gap/infill site immediately South of No. 21, Whiterock Rock, Newtownhamilton**

**For: Mr Brian Finnegan**

We feel that the proposed site should read as a gap site as the site in question shares the same characteristics as the neighbouring dwellings No. 21 and No. 17, both are accessed from the Whiterock Road via laneways and do not have immediate road frontage. Therefore we feel that our site has similar traits and would integrate with the existing building line.

Our proposed site is to be accessed of the same laneway as No. 21 Whiterock Road again integrating with the existing infrastructure surrounding our site, there will be no new access created onto the Whiterock Road we propose and intend to use the existing laneway with improved sightlines.

We feel the proposed site is in keeping with existing dwellings No. 21 and No.17 as they too are both set back from the Whiterock Road and accessed via separate laneways. Our site respects the existing development pattern along the frontage in terms of siting and plot size and meets other planning environmental requirements as per Planning Policy CTY 8.

No. 21 Whiterock Road is a part of a farm holding with a number of outbuildings surrounding the dwelling, our client is a son of the owner of No. 21 and will inherit the farm holding and surrounding land. The farm will need modernising and the father and son propose to build a new agricultural shed to winter animals and store machinery, they propose to construct the shed to the south of No. 21 which would decrease the size of our proposed site leaving us a smaller gap site as annotated on the site location map provided. We have taken into full account of the existing pattern of development and will produce a design which will integrate the proposal into the surrounding landscape.

There is a genuine need for the dwelling as stated above that the son will inherit the small farm holding and the proposal of the dwelling will be a great asset to the young farmer as he will reside close to the farm holding and therefore would be able to be on hands a lot more and continue the family farm business tradition.

We do not agree with the interpretation of policy made by planning officers and would seek an opportunity to address the committee to outline our reasons why we believe the application does meet the relevant policy criteria. We can also make necessary amendments if required to achieve a successful conclusion to the application.

Yours faithfully

John Collins

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Collins and Collins  
Architectural Consultants



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/1370/O

**Date Received:** 26.07.2021

**Proposal:** Infill development of 2 no. dwellings

**Location:** Land located between No.22 and No.22B Lurgan Road, Silverbridge, Newry, BT35 9EF

#### **Site Characteristics & Area Characteristics:**

The application site is part of an agricultural field, located off the Lurgan Road, Silverbridge. It is located between number 22 and 22b Lurgan Road. There are a number of small residential dwellings located to the north of the application site and there is a dwelling located to the south of the site also. The northern boundary is undefined whereas the southern boundary has a native hedgerow present, alongside some trees.

The application site is located outside any settlement limit as designated within the Banbridge/Newry and Mourne Area Plan 2015. The site lies within a designated Area of Outstanding Natural Beauty (AONB).

#### **Site History:**

P/2002/1748/F

- Rear of 20 & 22 Lurgan Road, Lurgancullenboy, Silverbridge, Co Armagh
- One and a half storey dwelling and garage
- Permission Granted 06.06.2003

P/2001/0057/O

- Site for dwelling
- Site to rear of Nos. 20 & 22 Lurgan Road, Lurgancullenboy, Silverbridge, Newry
- Permission Granted 14.03.2001

P/2000/0918/O

- Site for dwelling
- To rear of 20 and 22 Lurgan Road, Lurgancullenboy, Silverbridge, Newry

- Application Withdrawn

**Planning Policies and Material Considerations:**

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2

**Consultations:**

DfI Roads – No objections to proposal

NI Water – No objections

**Objections and Representations:**

Neighbours were notified of the proposal 16.08.2021. The proposal was also advertised in local press on 18.08.2021.

No objections or representations have been submitted for consideration.

**Consideration and Assessment:****The Banbridge, Newry and Mourne Area Plan 2015**

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

**Strategic Planning Policy Statement (SPPS)**

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

**Planning Policy Statement 21 – Sustainable Development in the Countryside**

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

**Policy CTY 8 – Ribbon Development**

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

*An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*

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

Along the Lurgan Road, there is more than the requisite three buildings with frontage onto the road. The gap site (which incorporates the application site) between 22 and 22B Lurgan Road measures approximately 144m. This gap, between buildings, is not a small gap site. Based on the development pattern present, the site could accommodate more than the two houses proposed and therefore does not meet the criteria to be an exception to policy. This large gap site serves to provide relief and a visual break in the developed appearance of the locality along Lurgan Road and helps maintain rural character.

The proposal is for two dwellings. It is not consistent with the existing development pattern along Lurgan Road and would appear incongruous in this rural area. It does not respect the existing frontage in term of plot size or frontage onto the road.

An email was sent to the agent (17<sup>th</sup> Dec 2021) outlining these concerns and an additional supporting statement was received by the Department. The agent outlines in this response *‘it does not require that that the gap site is the smallest in terms of plot size, the narrowest in terms of plot frontage but rather that the infilling design solution respects the existing pattern of development’*.

The Planning Department partly agree with the above statement, in that a gap site does not need to be smallest or narrowest in a line of frontages but would respectfully disagree with the agent’s belief that the proposal for two dwellings on this site respects the existing pattern of development.

Having considered the information forwarded in both the initial planning statement and additional information forwarded, the Planning Department are of the opinion that the proposal is not an exception to policy.

**CTY 13 – Integration and Design of Buildings in the Countryside**

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

The dwellings, subject to relevant conditions concerning ridge height etc., would not be a prominent feature in the landscape. Ancillary works would integrate with their surroundings. The design of the buildings and their ability to blend with surroundings, would be assessed at Reserved Matters stage.

The proposal, given the exposed nature of the site, would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Within the proposal, most of the low-level hedging to the roadside boundary will be removed. The site would rely primarily



on the use of new landscaping for integration. The proposal is therefore contrary to CTY 13, criteria b) and c).

#### **CTY 14 – Rural Character**

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

The proposal is contrary to CTY 14 in that the proposal does not respect the existing pattern of settlement exhibited along Lurgan Road. The plot sizes of the two dwellings proposed are considerably larger than the plot sizes for the surrounding buildings. The proposal would add to a ribbon of development along Lurgan Road. The proposal would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings along Lurgan Road and would cause a detrimental change to and further erode the rural character of the local area.

#### **CTY 16 – Development relying on non-mains sewerage**

The application complies with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

### **Planning Policy Statement 2 – Natural Heritage.**

#### **NH 6 – Areas of Outstanding Natural Beauty**

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

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

The siting of the proposal is not sympathetic to the special character of the AONB in that it would contribute to ribbon development along Lurgan Road.

#### **Recommendation:**

Refusal

#### **Refusal Reasons:**

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that
  - the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, add to a ribbon development along Lurgan Road;
  - the proposal does not respect the existing development pattern along the road frontage in terms of plot size;and does not represent an exception to policy.
  
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:
  - The site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape; and
  - The site relies primarily on the use of new landscaping for integration.
  
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:
  - The proposal does not respect the existing pattern of settlement exhibited in the area;
  - The proposal would add to a ribbon of development along Lurgan Road; and
  - result in a suburban style build-up of development when viewed with existing and approved buildings along Lurgan Road, which would result in a detrimental change to the rural character of the area.
  
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is not sympathetic to the special character of the AONB.

**Case Officer:** E.Moore 14/01/2022

**Authorised Officer:** A.Davidson 14/01/2022

Speaking Rights - Oriel Planning on behalf of Mr. Michael McLoughlin, LA07/2021/1370/O  
Planning Committee Meeting, Wednesday 9<sup>th</sup> March 2022, 10am

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### Slide 1 – Contextual Site Location Map

- Mr. Chairman, on behalf of the applicant, Mr. Michael McLoughlin I would like to contest the recommendation to refuse this application for Outline permission for two infill dwellings within a gap site located between No.22 and 22b Lurgan Road.
- We present the site location map here in context with the surrounding development along the Lurgan Road. There is a row of 9 detached dwellings located on single plots all of which share a common frontage. There are a variety of plot sizes ranging between 0.17 ha and 0.35 ha. Between No's 22 and 22b is the subject gap site which spans 110m. Site A measures 0.31ha and Site B measures 0.27ha. The immediately adjoining site at No. 22b measures 0.35ha. The proposal maintains the established building line and clearly replicates the existing pattern of development. The sites are certainly not the largest in the frontage or the area and do not appear out of place.
- Furthermore we have observed a pattern within this quite uniform frontage in that plots widths and plot sizes are increasing between No. 12 – 14a (the widest spanning more than 50m), they then narrow between No. 16 – 18a and then begin to widen again before reaching No. 22b which is the largest plot frontage at 55.2m. It also has the largest plot depth at 76.7m, and largest plot size measuring 0.35ha.
- The proposed infilling with this particular design clearly respects in full the wider existing pattern of development and is in fact significantly more in keeping than any alternative design solution. In addition the proposed plot size for each site is entirely respectful of the range of plot sizes within the built up frontage. Therefore the proposed infilling of 2 dwellings in the manner proposed within the gap is considered a fitting design response.

### Slide 2 – Building on Tradition

- Building on Tradition provides planning guidance prepared to help us to understand and interpret what PPS 21 is trying to achieve. Section 4.4 Infilling Gaps and Frontage Development includes the following illustration to show suitable design responses for infill development.
- Note the circled infill sites which share similar characteristics to the subject sites. These sites exhibit plot sizes, depth and frontage broadly similar to the adjoining plot to the east - as in the case of this application. Indeed considerably smaller plot sizes are defined to the west and beyond the trio of sites to the east. Yet these pair of sites are considered suitable for infill development.

### Slide 3 - Planning ref LA07/2016/1012/O - Tullymacrieve Road, Mullaghbane.

- I illustrate further the specific point in respect of plot size by way of one of my previous cases approved for infill. You will see from the drawing that the gap site is bounded to the north by a row of 12 dwellings and to the south by 2 single detached dwellings. The dwellings to the north are on considerably smaller plots than that of the gap site. Indeed the gap site itself is the largest along this built up frontage with an area of 0.32 ha. The gap site also has the largest plot frontage at 64.1m. The gap between buildings measured 80m. The case officer in their assessment stated, **'The gap is large enough for one dwelling while remaining respectful to the existing pattern of development in terms of siting and plot size'**....The application was duly approved.

Speaking Rights - Oriel Planning on behalf of Mr. Michael McLoughlin, LA07/2021/1370/O  
Planning Committee Meeting, Wednesday 9<sup>th</sup> March 2022, 10am

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- The Council accepted that this site met all the tests under the policy for infill development as a small gap site, despite being the largest plot with the largest plot frontage as the proposal remained respectful to the existing pattern of development.

#### Slide 4 – Integration / AONB

- While new planting is proposed to delineate the eastern boundary, the proposal does not rely on this primarily for enclosure or integration. The site is not exposed nor flat. It benefits from a visual backdrop provided by the rising topography of the remaining agricultural land within which the site sits and an existing and established tree and hedge belt beyond this. On the approach to the site travelling south is a significant body of intervening vegetation located at No. 22 which obscures the gap site from view. The critical view from the approach to the site in the opposite direction we have no clear view of the gap site. The rising topography of the land and the winding nature of the Lurgan Road together with large established trees on the southern boundary of the site again obscure the site from clear view. Through the combined elements of visual backdrop, the natural topography, sloping gradient and intervening vegetation, the site can in fact provide a suitable degree of enclosure for the proposal. The proposal does not rely solely on new landscaping for integration.
- Furthermore, the site is not located within the Ring of Gullion AONB therefore this application does not offend the SPPS nor PPS 2 Natural Heritage.
- In summary, this application proposes an entirely acceptable proposal for infill under CTY 8 of PPS 21 which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. We believe that a site visit by the committee is essential in order to establish the pattern of development along the Lurgan Road.

C. Savage BSc DipTP MRPTI

Oriel Planning

2<sup>nd</sup> March 2022



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2021/1102/F

**Date Received:** 04.06.21

**Proposal:** Full planning permission is being sought for the erection of sheds for the manufacture of solid recovered fuel from residual waste, the manufacture of products from dry recyclables and vehicle maintenance; erection of 4 storey office block, external storage bays and carparking and associated site works including boundary fencing and ancillary plant.

**Location:** Lands located within the Invest NI Business Park, 215 metres south west of No. 63 Cloghanramer Road, Newry

#### **Site Characteristics & Area Characteristics:**

The site is located to the N/NE of the existing Carnbane Industrial estate, surrounded by a mix of industrial buildings to the W and S of the site. Several dwellings are located to the E of the site on elevated ground accessing the Cloghanramer Road (dwellings are situated approximately 204 -248 m away) whilst 68m away from the site is a band of mature planting and embankment which runs parallel to the Cloghanramer Road.

Land at the site is currently undeveloped comprising the NW portion of a much larger parcel of flat land which is accessed through the existing road of the industrial estate. Boundaries of the site comprise of young saplings to all but the E boundary which is currently undefined on the ground.

The site is located within the development limits of Newry on land zoned for economic use (NY63) as identified by the Banbridge/ Newry and Mourne Area Plan 2015 which includes key site requirements (access from Carnbane Industrial Estate, open storage areas shall be screened from access roads, hedges on southern boundary shall be retained and supplemented with an 8-10m belt of trees and hedges on the eastern boundary).



Application Site



Aerial View



S looking N



Development Adj and W of site

**Relevant Site History:**

LA07/2021/1337/F - Light Industrial Building with associated offices, yard areas, carparking and site works. Granted. (Adj and W)

LA07/2021/0204/PAN - Erection of sheds for the manufacture of solid recovered fuel from residual waste, the manufacture of products from dry recyclables, and vehicle maintenance; erection of 4-storey office block; external storage bays; carparking and associated site works including boundary fencing and ancillary plant (amended description) – PAN Acceptable (Application site)

LA07/2020/0577/F - Proposed manufacturing facility and offices with associated yard area and siteworks. Granted (Adj and W)

LA07/2019/0680/F - Erection of buildings for the storage of specialist aerial platforms and associated plant, machinery and equipment, with ancillary offices, staff facilities, car parking and attendant site works (amended description). Granted (W of application site)

P/2009/0642/F - Infrastructural works to facilitate industrial development, including access, internal roads layout, drainage and the creation of two development platform. Granted (Application site and lands to s)

P/2009/0640/O - Industrial Development. Granted (Application site and land to S)

**Planning Policies & Material Considerations:**

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- DES 2 – Planning Strategy for Rural Northern Ireland
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- PPS4 – Planning and Economic Development
- PPS11 – Planning and Waste Management
- PPS15 (Revised) – Planning and Flood Risk
- DCAN 10 (Revised) Environmental Impact Assessment
- DCAN15 – Vehicular Access Standard
- DOE Parking Standards

**Consultations:**

- Transport NI (25.01.22) – No objections
- Invest NI (05.10.21) – No objection
- NIEA – NED (29.09.21) – No objections subject to condition
- NIEA Water Management Unit (28.07.21) – No objections
- NIEA Regulation Unit (28.07.21) – No objection
- NIW (07.09.21) – Availability at WWTW and public water main, no public water sewer – recommended refusal

*Despite inadequate sewerage provision a planning condition could be applied to ensure this is provided prior to the commencement of the development in the event of planning permission being permitted.*

- Rivers Agency (26.08.21) – FLD3 Accept the logic of the drainage assessment and have no reason to disagree with conclusions. Response to FLD 1, 2, 4 and 5 remain the same as previous comments dated 28.07.21 – no issues of concern raised
- SES (25.08.21) – No impact on any European site
- EH (07.07.21) – No objections
- HED (23.07.21) - Content

### **Objections & Representations:**

The application was advertised in local newspapers on the 30<sup>th</sup> June 2021.

8 neighbours were notified on the 8<sup>th</sup> July 2021 and a further notification to an adjacent property on the 14<sup>th</sup> February 2022.

One letter of objection was received.

### **Issues Raised by the Objector:**

- New access onto Cloghanramer Rd unacceptable should be through the industrial estate and impact of the road upon rural residents
- Clarity on parking
- Noise pollution

### **Consideration of Objections:**

- Access will adjoin the new industrial estate road
- Parking provision was raised by DFI in their consultation dated 22.12.21. The agent has provided further detail in comments submitted 12.01.22 which have been considered by DFI and no further concerns raised in their latest consultation response on the 25.01.22.
- Environmental health has considered issues in relation to noise and amenity and in comments dated 07.07.21 have raised no concerns.

### **Consideration and Assessment:**

The proposal involves the erection of a four storey (16.9m high), flat roof, detached office block (773sqm footprint) located to the SW portion of the site close to the entrance which is constructed with grey wall panel and of white render walls and aluminium grey coloured window and door openings. There are also three detached processing/ storage/ engineering buildings situated throughout the remainder of the site. These buildings are to be constructed with moss green coloured wall, concrete



walls and roof cladding with roller shutter doors with translucent polycarbonate roof lights.

Facility 1 (5520sqm, height 15.2m) used for the material processing and storage is the largest of the units and is located to the rear of all other buildings located to the far northern portion of the site has an associated chemical scrubber stack, water treatment plant and odour control stack located along the W portion of the building with loading bay situated to the southern portion of the building. Adjacent and N of this building are 4 storage bays separated by 6m high concrete walls.

Located midway within the site is facility No. 2 (4800sqm, height 15.2m) which is the second largest building on the site used for material processing and storage unit with loading bays situated to the northern portion of the building, with water storage tank and pump house to the western gable.

Facility No. 3 (1200sqm, height 10.3m) is located to the SE portion of the site and is the smallest industrial unit at the site used for engineering R&D.

Ancillary works comprise of onsite car and lorry parking and internal access road that runs parallel to the western boundary with the entire boundary enclosed by a 2.4m high black coloured palisade fence, existing areas of planting along the outer W and N boundary remain untouched with some additional planting proposed within the site along the southern portion. Access and pedestrian footway will link into the existing Carnbane Industrial Estate

### **EIA Screening:**

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

### **Planning Act:**

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

### **The Regional Development Strategy (RDS) 2035:**

The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging strategic links between settlements. Newry has been identified within the RDS the South Eastern City gateway due to its close proximity to the land border and major port of Warrenpoint as well as its position on the main Belfast-Dublin Corridor.

The site is located to the northern part of Newry city within an existing industrial estate with close proximity to strategic transport corridors which makes this site well placed for development in the context of the regional structure and strategic connections, fully conforming with the provisions of the RDS.

### Banbridge/ Newry and Mourne Area Plan 2015:



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

Under Policy SMT2 (Volume 1 of the Plan) zoned economic development land planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

124 hectares of land within the settlement has been zoned for economic development under allocation ECD1 (Volume 1 of the Plan) (which allows for a range of economic development uses which includes General Industrial (Class B3), Light Industrial (Class B2), Business (Class B1) and Storage and Distribution (Class B4) as defined in the Planning (Use Classes) Order (Northern Ireland) 2015 (The former 2004 Planning Use Classes Order 2004 now superseded by the 2015 Order).

The site is located within the economic development land zoning NY63 (Zoning NY63 - Economic Development Carnbane / Cloughanramer Rd) which identifies specific key site requirements:

- Access shall be from Carnbane Industrial Estate access roads;
- Open storage areas shall be screened from access roads;
- Hedges on the southern boundary of the site shall be retained and supplemented with an 8-10 metre belt of trees of native species, to screen the proposed development;
- Hedges on the eastern boundary of the site shall be retained and supplemented with a belt of native species trees. This landscaping belt shall be a minimum of 80 metres wide, west of the Cloughanramer Road, to screen the proposed development and ensure development does not encroach onto the more prominent land.

From the detailed plans provided (Carnbane - Proposed Site Layout drawing No. 19100-1100-102) the proposed development will only be accessed from the existing Carnbane Industrial Estate Access road and open storage areas are located to the

northern part of the development which will be screened from view from the South by the proposed buildings, screened by the existing vegetation band to the W and N of the site. Any views from Cloughanramer Road are restricted by the distance of the proposal (which located some 95m away) but also due to the natural topography and tree band situated parallel to the Cloughanramer Rd this area will be further screened by any further development on remaining zoned lands to the east.

The development of the site will include the grouping of their headquarters office, along with manufacturing of products and storage of end goods along with engineering (research and design) (See support statement pages 2-5). Proposals fall within Part B Industrial and Business Uses classes B1 – 4 as defined within Planning (Use Classes) Order (Northern Ireland) 2015 and are in compliance with the uses permitted under this zoning, as set out within the development plan.

In summary, the proposal in principle, is acceptable to the BNMAP 2015, however the detailed scheme must also meet prevailing policy requirements, as considered below.

### **Planning Policy Consideration:**

As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

### **PED1 – Economic Development in Settlements:**

Policy PED1 of PPS4 directs that development proposals for an industrial or business use defined as Classes B1 – Business Use, Class B2- Light Industrial, B3 - General Industrial and B4 – Storage and Distribution as defined by the Planning (Use Classes) Order 2015 will only be permitted within a city where it is specified for such use within a development plan.

The site is zoned for economic development (NY63) within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP 2015) which allow for range of economic development uses to which these proposals adhere to.

The proposed office and engineering research and development facility (Facility 3) fall within categories a) and c) of the Class B1: Business Use. The office use proposed is subsidiary to the main industrial uses of the uses of the site and fully adheres to the provisions of the area plan land zoning as well as PED 1 considerations. Likewise, the research and development at facility 3 will only be permitted within an existing industrial area at an edge of town centre location to which this proposal fully complies with.

Proposals for a Class B2 – Light Industrial Use or Class B3 – General Industrial Use will be permitted in an area specifically allocated for such purposes in a development plan or an existing industrial area provided it is of a scale, nature and form appropriate to its location. The proposed units (facility 1 and 2) are located on land zoned for such use and is surrounded by existing and established industrial use with development proposals of a similar scale, nature and form to surrounding built development found to the W and SW of the proposed development.

The use of the site for storage purposes falls within Class B4 with policy only allowing for this type of development to be permitted specifically if allocated for such purposes in an development plan.

The proposed development in its entirety not only fully conforms with the land zoning at this location but also meets the requirements of PED 1 for the reasons set out above.

#### **PED 9 – General Criteria:**

PED 9 of PPS4 sets out further general criteria (a to l) which must be met for all economic development proposals:

(a) The proposed development is located on land specifically zoned for an economic development use and is surrounded by established industrial and business uses within the Carnbane Industrial estate that development proposals are fully compatible with surrounding land uses;

(b, e, f) The development to the nearest residential neighbours at 59 (201.4 m away) and 63 Cloughanramer Rd (248.7m) is sufficiently distanced away from these properties to avoid any potential nuisance. Furthermore, Environmental Health have considered impact in relation to noise, air pollution as well as general amenity upon residents and have raised no issues of concern in their consultation response dated 07.07.21.



**Map to illustrate distance of nearest neighbours to proposed development**

(c) NIEA in comments have advised they have no objection and have raised no issues of concern in relation to natural heritage. There are no built heritage interest within the locality, so this element of criteria c is irrelevant.

(d) The nearest water course is 318 m to the west and also appears to sit at a lower level than the site. Furthermore, Rivers Agency in comments dated 26.08.21 have raised no objections in relation to flood risk.

(g, h and i) Transport NI in comments dated 25.01.22 have no objections, development proposals will link to the existing pedestrian and vehicular network at Carnbane Industrial Estate and there is sufficient access, parking and manoeuvring within the site and adequate linkage to support sustainable patterns of movement.

j, k and l) The site layout, boundary treatment and building design is similar in form to existing build development found within the vicinity that proposals will not appear misplaced in their surroundings. The development will not impact upon existing planting bands found to the north and west of the development with some additional landscaping proposed to the southern portion of the development to help soften visual impact. Areas of outside storage are located to the rear of the development out of sight and adheres to the key site requirements of the area plan in this regard.

Areas of existing public access adjacent and south of the site are informally surveilled by the proposed office block maintaining safety and security at the site along with the 2.4m palisade fencing with deter access.

Overall proposals fully adhere to the requirements of PED 9 as outlined above.

### **DES 2 – Townscape**

The site is located within the settlement limits of Newry on lands zoned for economic development surrounded primarily by industrial and business uses of similar design and form within the existing Carnbane Industrial estate. Overall the design and layout does not create conflict with adjacent land uses and is sufficiently distanced away from residential properties to avoid any issue relating to residential amenity.

On this basis the application fulfils the requirement of DES 2 of the PSRNI.

### **SPPS and PPS2 – Natural Heritage**

Following additional information, DAERA NED in comments dated 29.09.21 are content with the proposal against PPS2 requirements, subject to conditions and NIEA Water Management Unit and Regulation Units in comments dated 28.07.21 have also no objection.

Proposals meet the requirements of the SPPS and PPS2.

### **PPS3 – Access, Movement and Parking, Parking Standards and DCAN 15 – Vehicular Access Standards**

Transport NI in their consultation response dated 25.01.22 have no objection with proposals. The site has adequate incurtilage turning and parking within the scheme.

### **PPS11 – Planning and Waste Management**

This policy deals specifically with the development of waste management facilities and management of waste products from industrial, commercial and domestic activity.

The supporting statement states that the overall facility will take up to 500,000 tonnes of raw material for the manufacture of end products (300,000 Solid recovered fuel -SRF and 200,000 of dry recyclable). Given the information provided (See the

supporting statement and site specific management plan) it is not considered that the development is for waste collection or treatment facility as set out within PPS11 but rather that for the manufacture and processing of materials with associated business and industrial uses.

The Site Specific Management plan dated May 2021 outlines that Unit 1 will be used for the manufacture of solid recovered fuel (SRF) from pre-segregated residual wastes, unit 2 for the manufacture of products from dry recyclable materials and used for storage of end products from the process whilst unit 3 is used for the engineering dept for research and development with external storage bays for the storage of end product. Materials are taken to the site, with processing to occur indoors - unit 1 for material to be dried to create a fuel product suitable for fossil fuel replacement in cement kilns and other industry whilst unit 2 will be used for the processing of dry recyclables to be manufactured to provide animal bedding, plastic pellets, glass etc

It is clear that development proposals are not that of a waste treatment facility but that of a business and industrial use within the provisions of PPS4 which has already been assessed under relevant planning policy above.

**SPPS and PPS15** – Rivers Agency in their consultation response 26.08.21 have raised no issues of concern.

### **Water and Sewerage**

The applicant proposes to connect to the mains water supply and public sewer with surface water captured by gullies with storm water captured by silt traps.

Having reviewed the NIW comments there is available capacity at the Waste Water Treatment Works and a public water supply. However, there is no available public sewer.

Water Management in comments dated the 28.07.21 have raised no issues of concern in relation to the matter and are content subject to conditions.

NIW in comments dated 07.09.21 have alluded that subject to successful discussion and outcomes regarding issues raised they may reconsider their position. The agent has been made aware of current connection problems and has confirmed by way of email on the 08.02.22 that they are dealing directly with NIW to resolve. As connection, capacity and consent requirements are matters that lie outside the remit of the Local Planning Authority this does not prevent the application being approved subject to negative conditions to ensure adequate connection is made prior to the development becoming operational.

### **Impact to European Sites:**

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

Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council.

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

The assessment of the proposal demonstrates that there is no pathway for impacts from the proposal to have an effect on any European site or its selection features.

### **Consideration and Assessment Summary:**

Having had regard to the development plan, consideration of the objection letter and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS4, PPS11, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable economic development proposal which is in full compliance with the land zoning of the area plan, adheres to key site requirements and full complies with planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

**Recommendation:** Approval

### **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:
  - 19100-1100-100 (Site Location Map)
  - 19100-1100-102 (Carnbane – Proposed Site Layout)
  - 19100-1100-104 Rev A (Carnbane – Proposed Drainage Plan)
  - 19100-1100-105 (Carnbane – Materials Process/ Storage Facility 1 Plan)
  - 19100-1100-106 (Carnbane – Materials -Processing Facility 1 – Elevations)
  - 19100-1100-107A (Carnbane -Material Process/ Storage Facility 2 – Plan)
  - 19100-1100-107B (Carnbane- Material Storage Facility 2 Plan)
  - 19100-1100-108 (Carnbane – Material Process/ Storage Facility 2 Elevations)
  - 19100-1100-109 (Carnbane Engineering/ R and D Facility 3 Plan and Elevation)
  - 19100-1100-110 (Carnbane Office Plan)
  - 19100-1100-111 (Carnbane Office Elevation)
  - Site Specific Management Plan (dated 28.05.21)

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

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

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

4. Prior to commencement of the development hereby approved, the method of sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

5. The requirements as outlined in the Site Specific Management Plan dated 28th May 2021 (submitted by WDR and RT Taggart) shall be implemented in full and operated monitored and maintained in accordance with the approved details.

Reason: In the interests of residential amenity.

6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease, and the Local Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance (available at [https://www.gov.uk/guidance/land-contamination-how-to-managethe-risks.](https://www.gov.uk/guidance/land-contamination-how-to-managethe-risks)) In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Local Planning Authority and subsequently implemented in accordance with the approved details and timeframe.

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

7. After completing all remediation works under Conditions 6 and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at [https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks.](https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks) The verification report shall present all the remediation and monitoring works



undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

8. The parking spaces as shown on drawing No. 19100-1100-102 (Carnbane-Proposed Site Layout) shall be provided prior to occupation of the development hereby approved and shall be retained and available solely for the parking of vehicles associated with the development thereafter.

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

9. No goods, merchandise or other material shall be stationed or displayed on or about the forecourt of the premises.

Reason: To safeguard the visual appearance of the premises and of the area generally.

10. All hard and soft landscape works shall be carried out in accordance with drawing No. 19100-1100-102 (Carnbane – Proposed Site Layout) and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following the operational use of any of the buildings hereby permitted.

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

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

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

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

**Case Officer Signature: Patricia Manley**

**Date:22.02.22**

**Appointed Officer Signature:**

**Date:**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0803/O

**Date Received:** 11.06.2020

**Proposal:** Housing Development including demolition of dwelling and outbuilding.

**Location:** 4 Daisy Hill, Newry, BT35 8PN

**Site Characteristics & Area Characteristics:**

The site is located at 4 Daisy Hill, Newry and holds a largely overgrown derelict dwelling and garage. The site is located within Newry City Centre and within part of LLPA designation NY 123. The site rises steeply to the west, up from the public road. Adjacent to the site is a designated SLNCI and Daisy Hill Wood.

**Site History:**

LA07/2019/1152/PAD

Pad concluded

P/2003/0649/F

Erection of Fencing

Approval: 18.12.2003

**Planning Policies & Material Considerations:**

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PPS 12 – Housing in Settlements

PPS7 – Quality Residential Environments – Policy QD 1

PPS15 – Planning and Flood Risk

Planning Policy Statement 2 – Natural Heritage

Planning Strategy for Rural Northern Ireland

Creating Places

**Consultations:**

DAERA – No objection subject to compliance with conditions.

NI Water – public water supply within 20m of sites and no storm or surface water sewer within 20m of site. WWTW at full capacity. Agent proposed sewage treatment plant.

DFI Rivers – no objections on receipt of Drainage Assessment.

DFI Roads – No objections subject to compliance with conditions and RS 1 form.

Environmental Health – no objections subject to connection to mains sewer.

Loughs Agency – no objections subject to condition.

Shared Environmental Services - Consultation not necessary due to the location of the proposed site with an adequate curtilage buffer separating it from any local watercourses.

### **Objections & Representations**

8 neighbours notified on 26/08/2020 and the application was advertised in the press on 07 Jul 2020. No objections or representations received.

### **Consideration and Assessment:**

#### Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Newry City where there is no designation on the land use and the Plan remains silent. The site also includes part of Local Landscape Policy Area designation NY 123. The application must satisfy the provisions of policy CVN 3 of the Strategic Plan Framework.

Designation NY 123 states the features or combination of features that contribute to the environmental quality, integrity or character of this designation are,

1. Daisy Hill Wood and nursery area of local amenity importance, and
2. Area of locally significant nature conservation interest, which includes woodland and significant tree groups.

Policy CVN 3 states that planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character. The policy also states that where proposals are within a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

The nursery area has ceased to exist for a number of years near this site which has now become overgrown and remains vacant. I consider this aspect of the LLPA to now not apply to the LLPA or the proposed site. The site is out of the area of locally significant nature conservation interest designation and instead, within the curtilage of a domestic dwelling. I do not consider Daisy Hill Wood to be significantly impacted by the proposal given the siting within the domestic curtilage of a dwelling house. As a result of the above consideration and no objections from NIEA I do not consider the proposal to adversely affect the environmental value and character of the LLPA – as is applicable on site currently. I would propose conditioning a landscaping buffer along the boundary of the site with the remaining LLPA in order to protect the environmental quality of the remaining LLPA.

The proposal is in general compliance with the Area Plan and policy CVN 3 of the Strategic Plan Framework.

#### PPS7/SPPS/PSRNI/PPS12

With no distinct differences between the SPPS and PPS7 and PPS7 being the more prescriptive text, the lead policy consideration for the application will be policy QD1 of PPS7. New housing in settlements will be expected to meet the criteria tests (a-i) of policy QD 1 as discussed below;

- (a) The principle of a housing development respects the surrounding context given it is proposed to be sited in an existing residential site and is surrounded by residential properties. The remaining parts of this policy criterion are matters reserved until full plans are submitted, however it is not envisaged this criteria cannot be satisfied.
- (b) There are no archaeological or built heritage features associated with the site. Landscape features of importance have been highlighted by NIEA through consultation. It has been established there are no landscaping features associated with the LLPA. NIEA has been consulted and have recommended conditions to any approval to ensure that biodiversity is not compromised by the proposal.
- (c) Suitable public and private open space and landscaped areas will be considered in detail at full plans stage. Whilst further planting will be considered at full plans stage, a condition will be added to ensure buffer planting is planted along the boundary of the remaining LLPA.
- (d) Not applicable given the site's close proximity to the city centre.
- (e) A movement pattern will be considered in detail at full plans stage when the proposed layout becomes clear, DFI Roads has no objections to the proposal.
- (f) Adequate provision for parking will be considered in detail at full plans stage when the proposed layout becomes clear.
- (g) Form, materials and detailing will be assessed at full plans stage and are matters reserved.
- (h) The design and layout of the proposal will be assessed in detail at full plans stage and are matters reserved. However, it is envisaged given the distances involved to the nearest existing dwellings this criterion can be achieved.
- (i) The development will be expected to be designed in a way that deters crime and again this will be assessed in greater detail at full plans stage.

The applicable policies of PPS 12 and PSRNI are considered to be satisfied insofar as practicable at Outline stage. The specific criteria of these policies will be assessed in greater detail at full plans stage, where the policy requirements are expected to be met.

The proposal is consistent with PPS7/PPS2/PSRNI/PPS12 and SPPS.

#### Planning Policy Statement 15

DFI Rivers has been consulted as part of the application. The Department has confirmed policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application. Following the submission of a drainage assessment and a CCTV report DFI Rivers has no objection to policy FLD 3. The proposal is therefore compliant with PPS 15.

**Planning Policy Statement 2**

An Ecological Appraisal and Bat Survey has been provided as part of the application process which have been forwarded to NED for consideration. The ecologist identified trees with low to moderate bat roost potential and roosting potential in the existing building to be demolished. Compensatory measures such as bat barn, bat boxes and bat friendly lighting have been proposed and form part of the conditions recommended. These conditions also include a Wildlife licence being obtained before works on the original building start and a survey of the existing trees for the presence of bats. Giant Hogweed has been identified by the Ecologist and NED has therefore recommended a condition to include details of an Invasive Species Management Plan. Cumulatively the biodiversity aspects have been considered in full and NED of NIEA are content with the proposal subject to compliance with the attached conditions. The proposal is in general compliance with PPS 2.

DFI Roads has no objections to the proposal in terms of PPS 3 subject to compliance with attached conditions and RS1 form.

The application has been considered against a Habitats Regulation Assessment. Given the nature and location of the proposed development, it's unlikely that there will be any significant impacts on the site features/conservation objectives of any European site, and further assessment is not required.

EIA screening not required due to the size of the site.

**Recommendation:**

Approval

**Conditions:**

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site..

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Number of residential units; the number of the dwellings considered acceptable on the site.

Site Layout: The layout of the overall development including buildings, roads, private and open space, hard surfaced areas and all associated development.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. Full particulars, detailed plans and sections of the reserved matters required in Condition 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. The development hereby permitted shall take place in strict accordance with the following approved plan; drawing number NM162-G-1-20.

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

5. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason. To prevent pollution to surface waters which is detrimental to fisheries interests.

6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. The access shall be constructed in accordance with the approved plan prior to the commencement of any other development.

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

7. At the Reserved Matters stage, an Invasive Species Management Plan must be submitted to and approved in writing by the Planning Authority. The approved plan shall be implemented with approved details, unless otherwise agreed in writing by the Planning Authority. The plan shall include details for the proposed eradication and disposal of Giant hogweed as identified by the ecologist.

Reason: To avoid the planting or otherwise unintentional growth, in the wild, of any plant included in Part II of Schedule 9 of the Order.

8. At the Reserved Matters stage, Landscape Plans must be submitted to detail all necessary vegetation removal and associated compensatory planting/additional planting proposed for the application. Species proposed for planting shall consist of NI Native Species.

Reason: To maintain the biodiversity value of the application site.

9. At the Reserved Matters stage, plans showing the locations of proposed bat boxes and the incorporation of the proposed bat barn, as established in the Bat Mitigation Plan for a Bat Barn section (Pages 21 – 39) of the bat survey, must be submitted.

Reason: To maintain roosting opportunities for bats.

10. At the Reserved Matters stage, a bat friendly, sensitive lighting plan must be submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Evidence that the western and southern boundaries of the application site will not be subject to light spillage of more than 1 lux.

Reason: To maintain bat foraging/commuting habitat.

11. A working strip of a minimum width of 5m shall be retained where the site adjoins a designated watercourse. This shall be submitted on a site layout drawing, submitted as part of the Reserved Matters application and agreed in writing by the Planning Authority.

Reason: To enable DfI Rivers or the riparian landowners to fulfil their statutory obligations/responsibilities.



12. No works shall be carried out on the building known to contain roosting bats until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To minimise the impact of the proposal on bats.

13. Works on the building known to contain roosting bats shall be restricted to the periods of 15th August – 1st November and 21st March – 15th May.

Reason: To minimise impacts to bats.

14. All mature trees subject to works must be surveyed for the presence of bats by an experienced bat worker or surveyor within 24 hours prior to removal, felling or lopping. Insert last bit condition. Dependant on the method of surveying, a NIEA protected species licence may be required in order to avoid an offence being committed.

Reason: To minimise potential impacts on bat roosts.

15. Prior to works commencing on site, an updated check for badger activity and their places of refuge must be undertaken and mitigation/protection provided where necessary.

Reason: To ensure appropriate mitigation and management can be implemented in to plans to avoid significant impacts on badgers.

16. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

17. A landscaping buffer shall be planted along the boundaries of the site that border the remaining Local Landscape Policy Area designation NY 123. This shall be submitted on a site layout drawing, submitted as part of the Reserved Matters application and agreed in writing by the Planning Authority.

Reason: In accordance with the Area Plan.

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

Reason: To ensure the dwellings integrate into the landform and ensure resident's privacy is not adversely affected.

19. 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 Practise. The works shall be carried out prior to the occupation of any part of the development in accordance with the details on the approved plans.

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

20. 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.

21. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment and to ascertain that a feasible method of sewage disposal is available at the site.

22. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, OR 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater.

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

23. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health

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

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

25. A detailed Landscape Management & Maintenance Plan shall be submitted prior to the occupation of the development.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing

landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long-term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

If a management company is proposed to be used / employed, it shall be demonstrated what fall-back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Outdoor Recreation.

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

**Case Officer:** Ashley Donaldson 23/02/2022

**Authorised Officer:** Andrew Davidson 23/02/2022



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/1689/F

**Date Received:** 17.11.2020

**Proposal:** The application is for full planning permission for an Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage.

**Location:** The application site is located at Land 120m NW of 5 Donard Park & west of the existing Donard Park car park, Newcastle.



**Site Characteristics & Area Characteristics:**

The site is located directly adjacent to an existing car park and amenity areas including a pitch and surrounded by residential developments in the wider vicinity. The site is currently grassed and is bounded by mature trees to the south west and the existing pitch to the north. The site is accessed through the existing car park from Central Promenade.

**Site History:**

R/2010/0488/F | Donard Car Park, Newcastle | Provision of reinforced grass to existing area of open space, orientation points, entrance feature and interpretation boards | Permission Granted 31.05.2011

**Relevant History**

TPO/2008/0018 | Land at Donard Park, Newcastle | TPO CONFIRMED | 08.05.2008.

R/2004/0387/F | Donard Park, Bryansford Road | Upgrade existing gravel pitch to synthetic turf playing pitch, new six lane running track & flood lighting | Permission Granted 15.11.2004.

R/1993/0961 | Lands at Donard Park Newcastle | New floodlighting to playing fields | Permission Granted.

R/1992/0171 | Donard Park Central Promenade Newcastle | Change of use of park land to form rally-kart circuit | Permission Refused

**Planning Policies & Material Considerations:**

The application site is located within the settlement limits of Newcastle within an area of existing amenity open space and recreation as designated in map 3/004a in the Ards and Down Area Plan 2015. LLPA 6 (Donard Park, Donard Lodge and associated planting and Glen River Corridor) bounds the site to the SW. The relevant regional policy context is provided by:

Regional Development Strategy (RDS)

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 2 – Natural Heritage

PPS 3 - Access Movement and Parking

PPS 6 – Planning Archaeology and the Built Environment

PPS 8 - Open Space, Sport and Recreation

PPS 15 – Planning and Flood Risk

Guidance – Parking Standards

**Consultations:**

DFI Roads – No objections

NIEA Water Management – No objections subject to conditions

NIEA Natural Environment Division – No objections subject to conditions

Rivers Agency – No objections

Shared Environmental Services – No objections subject to conditions

Historic Environment Division (Historic Monuments) – No objections

**Objections & Representations**

In line with statutory requirements fifty eight neighbours have been notified on 15.02.2021 and again with amended plans 01.09.2021. The application was advertised in the Down Recorder on 02.12.2020 and the Newry Democrat on 01.12.2020.

One representation was received the rep does not object to the new car park, but moreso the antisocial behaviour of young drivers using the car park. This would be a matter for the PSNI and as such outside the remit of planning.

### 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.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to the interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused unless other material consideration indicate otherwise. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS. There is no conflict in this case between the SPPS and the current policy.

The application seeks permission to provide a new overflow car park to the west of the existing car park.



### Principle of development

The history of the site is an important material consideration. Planning permission was granted for the provision of reinforced grass to be used as an overflow car park within part of this zoning for existing amenity open space and recreation under planning application R/2010/0488/F, which would indicate that a precedent has already been set. Further to this

aspect of the assessment, Policy OS1 of PPS 8 is applicable, which states that the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. An exception will be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where in the case of an area of open space of 2 hectares or less, alternative provision is made by the development which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality. In consideration of this and taking into account the history on the site, the need for more car parking spaces in Newcastle is evident, the loss of this amenity area is not considered to be significantly detrimental to the area.

Taking into account the planning history of this zoning whereby a considerable portion is already in use as an existing car park no objection is raised to part of these remaining zoned lands also being used as a car park.

It is therefore important to assess the impact such an application would have on interests of acknowledged importance, hence the consultations with DFI Roads, NIEA and Rivers Agency and any other material considerations including objections.

### **PPS 2 – Natural Heritage**

In assessment, it is noted that the site will be accessed through the existing car park and is comprised of an area of semi-improved grassland.

Council consultation was carried out with NIEA - Natural Environment Division. The application is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). Shared Environmental Services (SES) were also formally consulted and advise that the project would not be likely to have an adverse effect on the integrity of any European site. They have included two conditions to be included within the report.

A Preliminary Ecological Appraisal (PEA) has been submitted by the Council and recommends that a CEMP is required before development commences on the site. All trees will be retained on the site. Following a further report relating to badgers in close proximity to the site and the submission of a CEMP NED are now content with the proposal subject to conditions.

### **PPS 3 - Access, Movement and Parking**

Policy AMP 2, Policy AMP 9 Design of Car Parking and Policy AMP 10 Provision of Public and Private Car Parks are all relevant.

Policy AMP 9 states that a high standard of design, layout and landscaping is expected to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (A) It respects the character of the local landscape
- (B) It will not adversely affect visual amenity; and
- (C) Provision has been made for security and the direct and safe access and movement of pedestrians and cyclists within the site.

AMP 10 - Provision of Public and Private Car Parks

Planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that:

- they do not significantly contribute to an increase in congestion;
- are not detrimental to local environmental quality;
- they meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer;
- within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and
- they are compatible with adjoining land uses.

It is considered that the proposed surface level car park extension would utilise part of an area which is free of mature trees. The site has previously been used informally in the past as an overflow car park and this is a material consideration. The site has a mature backdrop of trees in the wider area. The additional car park part would be read as part of the existing area which is dominated by an existing public car park and playing pitches, it is not considered that the proposal would harm the character or visual amenity of the area. The TPO trees are being retained and the proposal will not impact on the LLPA to the west. The car park is compatible with the surrounding land uses. Given the history on the site Planning do not consider there to be any intensification in use of the existing accesses, on this basis DfI Roads, consider the proposal to be acceptable with no objections offered. DfI Roads would also point out that it would be desirable in the interests of road safety for the accesses onto the main public roads to be improved.

#### **PPS 6 – Planning Archaeology and the Built Environment**

HED (Historic Monuments) requested an archaeological evaluation as per Policy BH 3 of PPS 6. The site was archaeologically evaluated under licence AE/21/086. Nothing of archaeological significance was encountered. Therefore, no further archaeological works are required. HED (Historic Monuments) is content that the proposal is now satisfactory to SPPS and PPS 6 archaeological policy requirements.

#### **PPS 15 – Planning and Flood Risk**

##### **FLD1 - Development in Fluvial and Coastal Flood Plains –**

Appendix L – NMADDC Site Investigation Report contained within the Drainage Assessment from Tetra Tech concludes the undesignated watercourse that historically traversed the north eastern boundary of the site has been made redundant within the application site. Therefore, FLD1 is satisfied.

**FLD2 - Protection of Flood Defence and Drainage Infrastructure** – The site is bounded briefly at the south east corner by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Glen River'. The proposed Site Plan & Details contained within the Drainage Assessment, shows the development to be suitably distanced from the watercourse with the required maintenance strip left as existing. As such revised PPS 15 FLD 2 is satisfied.

**FLD3 - Development and Surface Water** - DfI Rivers PAMU have reviewed the Drainage Assessment Addendum by Tetra Tech and our comments are as follows:

DfI Rivers, while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.



It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

The DA states that this is a preliminary drainage design, therefore DfI Rivers requests that the planning authority includes a condition for a final drainage assessment as part of its planning permission if granted.

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

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

No objections have been raised by Rivers Agency.

### **Impact on Residential Amenity**

The car park is considered to be sited a sufficient distance from adjacent dwellings to prevent any unacceptable impacts.

### **Conclusion**

Taking into account planning policy, consultee responses, planning history and the representation received on the application and all other material planning considerations approval is recommended subject to conditions.

This application shall be presented to Planning Committee.

### **Recommendation:**

Approval

The plans to which this proposal was assessed include:

Site location plan – DDC148-G-1-10a

Proposed Site plan & details – DDC148-G-1-11d (not uploaded)

Lighting elevation - DDC148-G-1-12

NIEA WMU response dated 15/01/2021.

### **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: **DDC148-G-1-10a, DDC148-G-1-11d, DDC148-G-1-12 & NIEA WMU response dated 15/01/2021.**

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

3. The appointed contractor must submit a Final Construction Method Statement (CMS) for approval by the Planning Authority before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as detailed in the standing advice of NIEA WMU in their response dated 15/01/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will negate any potential effects on the features of Murlough SAC.

4. No development should take place on-site until a Schedule 6 consent to discharge surface water under the Drainage (Northern Ireland) Order 1973 has been obtained from DFI Rivers and submitted to the Planning Authority for approval in writing.

Reason: To ensure a practical solution to surface water disposal is possible at this site that protects the connected Murlough SAC.

5. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for approval in writing.

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

6. No development activity shall commence on site until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided from each badger sett as shown on Drawing No. DDC148-G-1-11d at a radius of 25 metres. No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within that/those protection zone(s) without the consent of the Council. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts.

7. All hard and soft landscape works shall be carried out in accordance with the approved plan DDC148-G-1-11d details and the appropriate British Standard or other recognised Codes of Practice.

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

8. All trees and hedgerows on site shall be retained as per drawing DDC148-G-1-11d and protected in accordance with British Standard 5837:2012. No tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect existing trees and bats using the site.

9. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans drawing DDC148-G-1-11d particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Planning Authority.

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

10. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:
- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
  - b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
  - c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
  - d) Predicted illuminance on badger protection areas, wildlife corridors, retained trees/hedgerows to be less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

## Informatives

### 1. 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, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1<sup>st</sup> March to 31<sup>st</sup> August, unless pre-clearance surveys show an absence of breeding birds.

## 2. **Badgers**

The applicant's attention is drawn to Article 10 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 animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection. 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.

If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 90569605.

## 3. **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 Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

4. Care will need to be taken to ensure that polluting discharges do not occur during any works phase. The applicant should refer and adhere to all relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance. Due to the large number of car parking spaces proposed, Water Management Unit would recommend the development includes the installation of an oil interceptor to prevent oil from on-site activities leaving the site. The applicant should consult Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems. for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below.  
[http://www.netregs.org.uk/library\\_of\\_topics/pollution\\_prevention\\_guides/all\\_ppgs.aspx](http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx) Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.
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**

**C Moane**

**Date 18/02/2022**

**Authorised Officer**

**A. McAlarney**

**Date 21 February 2022**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2021/1752/LBC**

**Date Received: 17.11.2021**

**Proposal: Demolition of extension building adjoined to original B2 listed building and all associated remedial works**

**Location: Newcastle Centre, 10-14 Central Promenade, Newcastle, BT33 0AA**



#### **Site Characteristics & Area Characteristics:**

The site is located within the town centre of Newcastle as designated by the Ards and Down Area Plan 2015 and is also included within Area of Outstanding Natural Beauty. This application relates to Annesley Mansions' ('Newcastle Centre'), 10-12 Central Promenade, Newcastle (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI).

#### **Site History:**

R/1989/0838- TOURIST CENTRE CENTRAL PROMENADE NEWCASTLE - New Steel Staircase, Concrete Balcony & new additional Access- PERMISSION GRANTED

R/1992/1044- ANNESLEY MANSIONS CENTRAL PROMENADE NEWCASTLE-  
Refurbishment of Annesley Mansions- PERMISSION GRANTED

R/1992/1045- ANNESLEY MANSIONS CENTRAL PROMENADE NEWCASTLE-  
Refurbishment of building to provide tourist- PERMISSION GRANTED

LA07/2021/0657/LBC- Newcastle Leisure Centre, 10-14 Central Promenade,  
Newcastle, BT33 0AA- Proposed installation of telecoms apparatus- PERMISSION  
GRANTED

### **Planning Policies & Material Considerations:**

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 (Natural Heritage)
- Planning Policy Statement 6 (Planning, Archaeology, and the Built Heritage)

### **Consultations:**

<b>Consultee</b>	<b>Summary of Comments</b>
Historic Environment Division (HED)	Content

### **Objections & Representations:**

This application was advertised in the local press on 20.10.2021. There is no statutory requirement to issue neighbour notification in relation to this application. Neighbour notifications were issued in relation to the associated full application LA07/2021/2087/F, and it is noted that neither application has received any representations or objections to date.

### **Consideration and Assessment:**

The proposal seeks Listed Building Consent for the demolition of a rear extension adjoined to original B2 listed building. The supporting information provided indicates that the rear elevation will be restored to its original design and 2 sash windows will be reinstated to match those of the original building. The proposal also involves alterations to the existing boundary wall, it is proposed to remove an existing fibre reinforced concrete fence panel and existing metal gates at the northernmost edge of the site and replace with a perforated double metal gate.

### **SPPS**

Paragraph 6.13 of the SPPS states that development involving alteration to a listed building may be permitted, particularly where this will secure the ongoing viability and upkeep of the building.

### **PPS 6**

Policy BH 8- Extension or Alteration of a Listed Building

Proposals for the extension or alteration of a listed building will only be granted consent where all the following criteria are met:

- (a) The essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired
- (b) The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) The architectural details (e.g. doors gutters, windows) match or are in keeping with the building



*Rear Extension Proposed for demolition*



Removal of the latter inappropriate large bulky rear extension to the listed building can only be seen as a betterment to the integrity and intrinsic character of the listed Annesley Mansions. The proposal involves the reinstatement the original rear design with 2 no sliding sash windows, all carried out in traditional materials and using traditional techniques. The proposal does not offend the essential character of the building, its setting is retained and its features of special interest remain intact and unimpaired.

#### Policy BH 11- Development affecting the Setting of a Listed Building

Development proposals will normally only be considered appropriate where all the following criteria are met:

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

Removal of the latter addition by way of the large bulky extension to the listed building can only be seen as a betterment to the setting of the listed Annesley Mansions. The proposal involves the reinstatement the original rear design with 2 no sliding sash windows, alterations to the boundary wall are proposed but these are not considered to affect the setting of the Listed Mansion building.

HED have considered the impacts of the proposal on the listed building and on the basis of the information provided consider that subject to conditions, it satisfies the requirements of para 6.12 & 6.13 of the SPPS and policies BH8 and BH11 of PPS 6.

**Recommendation:** Consent Granted

#### Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans Nos. DDC157-G-1-00, 004, 005 (dated 02/02), 009, 010, 012

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

3. Any demolition work proposed within 1m of the listed building shall be carried out by hand. No power-driven tools shall be used.

Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.

4. **Prior to commencement of development**, a method statement shall be submitted to and approved in writing by the Council demonstrating how the proposed structural works will be undertaken, and outlining how the listed building will be protected, during construction (including foundations and any piling) and demolition. The work shall be carried out fully in accordance with the details approved.

Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.

5. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED.

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

6. All new sliding sash windows shall match adjacent original sliding sash windows in every detail, i.e. the exact same proportion of glass to frame and all profiles accurately replicated to include multi-paned sashes (without horns), box frame, meeting rail, stiles, parting bead, astragals (glazing bars), and all component parts. Panes shall be single glazed, fixed in place with putty and windows shall not be fitted with visible trickle vents. Final coat of paint finish shall be brush-applied on site (i.e., not factory finished).

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

#### **Informative:**

1. The drawings to which this decision relates are Nos. DDC157-G-1-00, 002, 003, 004, 005 (dated 02/02), 006, 007, 008, 009, 010, 011 (25/11), 012
2. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal / external or setting). All listed buildings are afforded the same protection, irrespective of grade

**Case officer:** Ryan Gallagher

**Authorised by:** A.McAlarney  
**Date:** 22 February 2022



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2021/2087/F**

**Date Received: 17.11.2021**

**Proposal: Reinstatement of 2 sash windows to rear elevation of building**

**Location: Newcastle Centre, 10-14 Central Promenade, Newcastle, BT33 0AA**



#### **Site Characteristics & Area Characteristics:**

The site is located within the town centre of Newcastle as designated by the Ards and Down Area Plan 2015 and is also included within Area of Outstanding Natural Beauty. This application relates to Annesley Mansions' ('Newcastle Centre'), 10-12 Central Promenade, Newcastle (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI).

#### **Site History:**

R/1989/0838- TOURIST CENTRE CENTRAL PROMENADE NEWCASTLE - New Steel Staircase, Concrete Balcony & new additional Access- PERMISSION GRANTED

R/1992/1044- ANNESLEY MANSIONS CENTRAL PROMENADE NEWCASTLE-  
Refurbishment of Annesley Mansions- PERMISSION GRANTED

R/1992/1045- ANNESLEY MANSIONS CENTRAL PROMENADE NEWCASTLE-  
Refurbishment of building to provide tourist- PERMISSION GRANTED

LA07/2021/0657/LBC- Newcastle Leisure Centre, 10-14 Central Promenade,  
Newcastle, BT33 0AA- Proposed installation of telecoms apparatus- PERMISSION  
GRANTED

### **Planning Policies & Material Considerations:**

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 6 (Planning, Archaeology, and the Built Heritage)

### **Consultations:**

<b>Consultee</b>	<b>Summary of Comments</b>
Historic Environment Division (HED)	Content

### **Objections & Representations:**

This application was advertised in the local press on 15.12.2021. There were 5 neighbour notifications issued for this application, no representations or objections have been received.

### **Consideration and Assessment:**

The proposal seeks Listed Building Consent for the demolition of a rear extension adjoined to original B2 listed building. The supporting information provided indicates that the rear elevation will be restored to its original design and 2 sash windows will be reinstated to match those of the original building. The proposal also involves alterations to the existing boundary wall, it is proposed to remove an existing fibre reinforced concrete fence panel and existing metal gates at the northernmost edge of the site and replace with a perforated double metal gate.

#### **SPPS**

Paragraph 6.13 of the SPPS states that development involving alteration to a listed building may be permitted, particularly where this will secure the ongoing viability and upkeep of the building.

#### **PPS 6**

Policy BH 8- Extension or Alteration of a Listed Building

Proposals for the extension or alteration of a listed building will only be granted consent where all the following criteria are met:

- (a) The essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired
- (b) The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) The architectural details (e.g. doors gutters, windows) match or are in keeping with the building



*Rear Extension Proposed for demolition*

Removal of the latter inappropriate large bulky rear extension to the listed building can only be seen as a betterment to the integrity and intrinsic character of the listed Annesley Mansions. The proposal involves the reinstatement the original rear design with 2 no sliding sash windows, all carried out in traditional materials and using traditional techniques. The proposal does not offend the essential character of the building, its setting is retained and its features of special interest remain intact and unimpaired.

#### Policy BH 11- Development affecting the Setting of a Listed Building

Development proposals will normally only be considered appropriate where all the following criteria are met:

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

Removal of the latter addition by way of the large bulky extension to the listed building can only be seen as a betterment to the setting of the listed Annesley Mansions. The proposal involves the reinstatement the original rear design with 2 no sliding sash windows, alterations to the boundary wall are proposed but these are not considered to affect the setting of the Listed Mansion building.

In assessment of the above, HED have considered the impacts of the proposal on the listed building and on the basis of the information provided consider that subject to conditions, it satisfies the requirements of para 6.12 & 6.13 of the SPPS and policies BH8 and BH11 of PPS 6.

**Recommendation:** Approval

#### Conditions

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

Reason: 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 Nos. DDC157-G-1-00, 002, 003, 004, 005, DDC 157-B-2-01, 007, 008, 009, 010, 011, 012, 13

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

3. Any demolition work proposed within 1m of the listed building shall be carried out by hand. No power-driven tools shall be used.

Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.

4. **Prior to commencement of development**, a method statement shall be submitted to and approved in writing by the Council demonstrating how the proposed structural works will be undertaken and outlining how the listed building will be protected during construction (including foundations and any piling) and during demolition. The work shall be carried out fully in accordance with the details approved.

Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.

5. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED.

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

6. All new sliding sash windows shall match adjacent original sliding sash windows in every detail, i.e. the exact same proportion of glass to frame and all profiles accurately replicated to include multi-paned sashes (without horns), box frame, meeting rail, stiles, parting bead, astragals (glazing bars), and all component parts. Panes shall be single glazed, fixed in place with putty and windows shall not be fitted with visible trickle vents. Final coat of paint finish shall be brush-applied on site (i.e not factory finished).

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

#### **Informative:**

1. The drawings to which this decision relates are Nos. DDC157-G-1-00, 002, 003, 004, 005, DDC 157-B-2-01, 007, 008, 009, 010, 011, 012, 13
2. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal / external or setting). All listed buildings are afforded the same protection, irrespective of grade



**Case officer:** Ryan Gallagher  
**Authorised by:** A.McAlarney  
**Date:** 22 February 2022

**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
		<b>PLANNING MEETING – 1 AUGUST 2018</b>			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	<b>Defer application to enable the Council’s Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10</b>	Annette McAlarney	<b>Legal Advice received.</b>	N
		<b>PLANNING MEETING - 13 FEBRUARY 2019</b>			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site	<b>Withdrawn by the Planning Department to allow further consultation to be completed</b>	A Davidson	<b>Remains under consideration</b>	N

	between 54 and 58 Edenappa Road, Jonesborough				
<b>PLANNING COMMITTEE MEETING 26 AUGUST 2020</b>					
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.	<b>Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.</b>	A McAlarney	<b>Awaiting consultation response from DFI Roads on new info submitted.</b>	N
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	<b>Removed from the agenda as agent unable to attend</b>	A McAlarney	<b>Application on hold to allow a Bat survey to be carried out by applicant. Survey season is May – August.</b>	N
<b>PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020</b>					
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	<b>Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered</b>	A Davidson	<b>Under consideration by Planning Office</b>	N
<b>PLANNING COMMITTEE MEETING – 05 MAY 2021</b>					
LA07/2017/1779/F	Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to planning approval LA07/2015/0782/F. - change from	<b>Removed from the addendum list at the request of Planning Officers</b>	A McAlarney	<b>March Planning Committee</b>	N

	Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m				
<b>PLANNING COMMITTEE MEETING – 17 NOVEMBER 2021</b>					
LA07/2020/1689/F -	Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage - Land 120m NW of 5 Donard Park & west of the existing Donard Park car park Newcastle	<b>Removed from the schedule at the request of Planners</b>	Annette McAlarney	<b>March Planning committee</b>	N
LA07/2021/0911/F	Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF	<b>Removed from the addendum list for full presentation at the next Committee Meeting</b>	Mark Keane	<b>Dec Planning Committee – Defer Amended description and additional info received re: Farm Diversification. Remains under consideration. Awaiting consultee response (DAERA).</b>	N
LA07/2021/0758/O	Dwelling and garage - Lands immediately south of No. 40	<b>Defer for 3 months to allow for additional medical consultants information to be forwarded to</b>	Mark Keane	<b>site visit 07-01-2022 Additional info received 15<sup>th</sup> Feb.</b>	N

	Quarter Road Annalong BT34 4QZ.	the Planning Department and also to have a site visit on this application.		Remains under consideration. Review info and return to PI Committee	
<b>PLANNING COMMITTEE MEETING 12 JANUARY 2022</b>					
LA07/2021/0953/F	Lands approx. 55m north west of 108 Leitrim Road Hilltown Erection of 3 no. glamping pods as part of an agri-tourist/farm-diversification scheme.	Defer for a site visit	Mark Keane	Site visit 24-02-2022 Return to Planning Committee	N
LA07/2021/0329/O	To the rear of No.30 Grove Road Annalong Proposed replacement of redundant non-residential building with new storey and half dwelling on former industrial ground to the rear of No. 30 Grove Road, and improvement accesses to Nos 28, 30 & 30A Grove Road	Defer for a site visit	Mark Keane	Site visit 24-02-2022 Return to Planning Committee	N
<b>PLANNING COMMITTEE MEETING 09 FEBRUARY 2022</b>					
LA07/2021/0755/O	Site for dwelling with garage (gap site) - 50 metres south west of 11 Saval Lane Saval Newry.	Defer for a site visit	Mark Keane	Site visit 24-02-2022 Return to Planning Committee	N
LA07/2021/1023/O	Private dwelling with domestic garage on gap/infill site Immediately south of 21 Whiterock Road, Newtownhamilton, Co. Down, BT35 0AW.	Defer until the March 2022 Committee Meeting	Andrew Davidson		N
<b>END</b>					



## Newry, Mourne & Down District Council – February 2022

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### 1. Live Applications

MONTH 2021/22	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2021	206	1,195	232
May 2021	204	1,238	228
June 2021	172	1,219	236
July 2021	176	1,190	224
August 2021	152	1,174	226
September 2021	182	1,175	226
October 2021	188	1,188	232
November 2021	184	1,158	234
December 2021	112	1,097	232
January 2022	160	1,128	232
February 2022	158	1,121	233

### 2. Live Applications by length of time in system

Month 2021/22	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2021	770	193	81	54	97	<b>1,195</b>
May 2021	818	192	76	53	99	<b>1,238</b>
June 2021	777	206	82	43	111	<b>1,219</b>
July 2021	787	179	79	44	101	<b>1,190</b>
August 2021	754	194	84	49	93	<b>1,174</b>
September 2021	737	212	87	44	95	<b>1,175</b>
October 2021	724	232	85	46	101	<b>1,188</b>
November 2021	687	237	81	50	103	<b>1,158</b>
December 2021	623	242	78	48	106	<b>1,097</b>

## Newry, Mourne & Down District Council – February 2022

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January 2022	652	244	76	49	107	<b>1,128</b>
February 2022	638	250	79	44	110	<b>1,121</b>

### 3. Live applications per Case Officer

Month 2021/22	Average number of Applications per Case Officer
April	83
May	85
June	89
July	83
August	75
September	67
October	64
November 2021	66
December 2021	66
January 2022	69
February 2022	65

### 4. Decisions issued per month

Month 2021/22	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	161	155
May	157	146
June	190	184
July	159	150
August	148	145
September	177	166
October	160	155
November 2021	199	183
December 2021	165	147
January 2022	120	101
February 2022	157	145



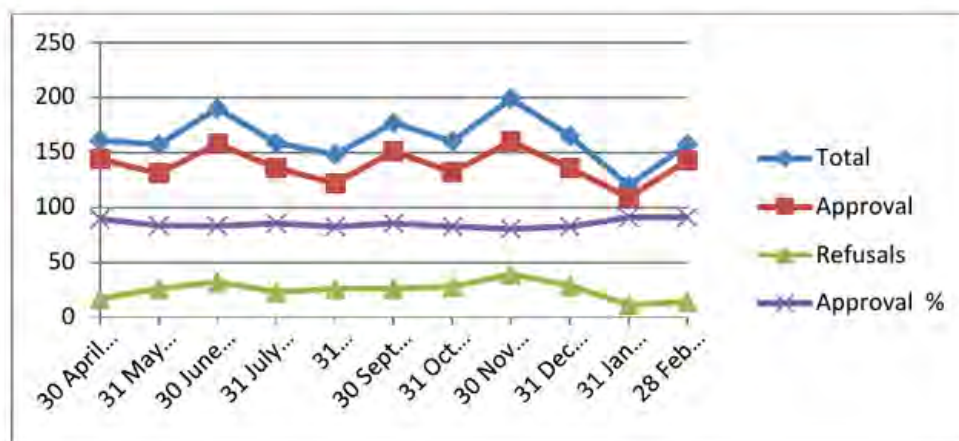
## Newry, Mourne & Down District Council – February 2022

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### 5. Decisions Issued YTD

Month 2021/22	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	161	Approvals (144)	89%
		Refusals (17)	11%
May	318	Approvals (275)	86%
		Refusals (43)	14%
June	508	Approvals (433)	85%
		Refusals (75)	15%
July	667	Approvals (569)	85%
		Refusals (98)	15%
August	815	Approvals (691)	85%
		Refusals (124)	15%
September	992	Approvals (842)	85%
		Refusals (150)	15%
October	1,152	Approvals (974)	85%
		Refusals (178)	15%
November	1,351	Approvals (1,134)	84%
		Refusals (217)	16%
December	1,516	Approvals (1,270)	84%
		Refusals (246)	16%
January 2022	1,636	Approvals (1,379)	84%
		Refusals (257)	16%
February 2022	1,793	Approvals (1,522)	85%
		Refusals (271)	15%

## Newry, Mourne & Down District Council – February 2022



### 6. Enforcement Live cases

Month 2021/2022	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	285	133	127	122	62	101	830
May	291	134	122	128	64	104	843
June	267	132	121	136	60	102	818
July	269	134	114	137	68	102	824
August	266	132	107	133	71	103	812
September	279	136	103	129	71	102	820
October	269	121	99	126	65	101	781
November	248	129	93	123	60	98	751
December	244	126	85	126	59	92	732
January 2022	223	127	82	117	62	95	706
February 2022	224	134	82	102	59	99	700

## Newry, Mourne & Down District Council – February 2022

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### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
8 April 2021	14	11	3	3
5 May 2021	16	8	8	3
2 & 30 June 2021 (Meetings cancelled)	-	-	-	-
28 July 2021	15	7	8	2
25 August 2021	15	9	6	6
22 September 2021	13	10	3	5
20 October 2021	25	22	3	6
17 November 2021	19	10	9	4
15 December 2021	20	13	7	9
12 January 2022	12	9	3	8
9 February 2022	14	11	3	8
<b>Totals</b>	<b>163</b>	<b>110</b>	<b>53</b>	<b>54</b>

### 8. Appeals

Planning Appeal Commission Decisions issued during period 1 July 2021 to 28 February 2022

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	26	3	-	3	-
Down	44	1	-	1	2
<b>TOTAL</b>	<b>70</b>	<b>4</b>	<b>-</b>	<b>4</b>	<b>2</b>

## Newry, Mourne &amp; Down District Council – February 2022

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Statutory targets monthly update - January 2022 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	2	-	0.0	0.0%	171	143	16.6	43.4%	44	19	69.8	52.6%
May	2	1	35.4	0.0%	159	137	17.2	41.6%	31	30	57.0	66.7%
June	1	1	49.8	0.0%	179	173	16.8	42.8%	38	41	85.8	46.3%
July	0	-	0.0	0.0%	124	136	17.0	41.2%	38	27	85.2	51.9%
August	0	-	0.0	0.0%	137	140	17.1	38.6%	35	67	89.2	53.7%
September	2	-	0.0	0.0%	148	166	19.8	28.3%	48	37	158.4	37.8%
October	0	-	0.0	0.0%	159	147	17.8	34.0%	27	75	122.0	40.0%
November	0	2	75.3	0.0%	149	174	20.0	33.3%	25	69	129.2	44.9%
December	0	1	31.4	0.0%	97	141	22.2	30.5%	20	34	178.7	38.2%
January	0	-	0.0	0.0%	108	106	20.4	28.3%	33	48	101.7	44.7%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>7</b>	<b>5</b>	<b>49.8</b>	<b>0.0%</b>	<b>1,431</b>	<b>1,463</b>	<b>18.6</b>	<b>36.3%</b>	<b>339</b>	<b>447</b>	<b>108.8</b>	<b>46.6%</b>

Source: NI Planning Portal

## Newry, Mourne & Down District Council – February 2022

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**Notes:**

- 1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures*
- 2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".*
- 3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

## Current Appeals

229

**AUTHORITY** Newry, Mourne and Down

**ITEM NO** 1  
**Planning Ref:** LA07/2019/1130/ **PAC Ref:** 2019 /A0248  
**APPELLANT** Mr James Rogan **DEA** The Mournes  
**LOCATION** Site Adjacent To 33 Dunwellan Park  
 Newcastle  
**PROPOSAL** New end terrace Dwelling with associated site works

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 10/03/2020  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 2  
**Planning Ref:** LA07/2019/1021/ **PAC Ref:** 2020/A0003  
**APPELLANT** Mrs E Fitzsimons **DEA** Rowallane  
**LOCATION** 53A Saintfield Road  
 Crossgar  
**PROPOSAL** Retention of building in substitution of previous approval  
 LA07/2015/1224/F

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 16/07/2020  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

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<b>ITEM NO</b>	<b>3</b>	<b>PAC Ref:</b>	2020/A0103
<b>Planning Ref:</b>	LA07/2020/0836/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr Dodds		
<b>LOCATION</b>	Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield		
<b>PROPOSAL</b>	Erection farm animal shelter and wintering shed		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/11/2020
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>	<b>PAC Ref:</b>	2020/A0124
<b>Planning Ref:</b>	LA07/2019/1119/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	John McKay		
<b>LOCATION</b>	75 Mill Hill Castlewellan		
<b>PROPOSAL</b>	2 semi-detached dwellings and 1 detached dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/01/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>5</b>	<b>PAC Ref:</b>	2020/A0126
<b>Planning Ref:</b>	LA07/2020/0027/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Judy Meharg 7 Rocks Road Ballyhornan Downpatrick		
<b>PROPOSAL</b>	Wooden hut on a raised deck (retrospective)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/01/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>	<b>PAC Ref:</b>	2020/A0142
<b>Planning Ref:</b>	LA07/2020/1072/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Chris Ball 67 St Patricks Avenue Downpatrick		
<b>PROPOSAL</b>	Change of use from commercial/office to a 2 bedroom dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/02/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

232

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	LA07/2020/1485/	<b>PAC Ref:</b>	2020/A0145
<b>APPELLANT</b>	Leo Mcgrenaghan	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Land Adjacent To 32 Teconnaught Road Downpatrick		
<b>PROPOSAL</b>	Dwelling House		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/02/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	LA07/2018/0293/	<b>PAC Ref:</b>	2020/A0156
<b>APPELLANT</b>	Paul McEvoy	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Opposite 49 And Adjacent To 56 Darragh Road Darraghcross		
<b>PROPOSAL</b>	Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road.		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/03/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

233

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2018/1616/	<b>PAC Ref:</b>	2020/C002
<b>APPELLANT</b>	David Trevor Shields	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel		
<b>PROPOSAL</b>	RT34 47N Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay.		
<b>APPEAL TYPE</b>	DC- EIA Determination - app ES is required		
<b>Appeal Procedure</b>	<b>Formal Hearing</b>	<b>Date Appeal Lodged</b>	11/08/2020
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2021/0159/	<b>PAC Ref:</b>	2021/0153
<b>APPELLANT</b>	Mr & Mrs S Morrison	<b>DEA</b>	The Mournes
<b>LOCATION</b>	37 Ballagh Road Newcastle		
<b>PROPOSAL</b>	Proposed Replacement two-storey split level dwelling with retention of existing dwelling for ancillary use		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

234

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	LA07/2020/0258/	<b>PAC Ref:</b>	2021/A0008
<b>APPELLANT</b>	Johnny Farrell	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	49a Greenan Road Newry		
<b>PROPOSAL</b>	Cn Down Retention of construction access with new improved sight lines- previously approved under P/2011/0702/F		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/08/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2020/1568/	<b>PAC Ref:</b>	2021/A0009
<b>APPELLANT</b>	Mr & Mrs Pat Hayes	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	To The Rear And Immediately South West Of 62 Crawfordstown Road		
<b>PROPOSAL</b>	Drumanness Retrospective extension to domestic curtilage, construction of garden feature and greenhouse along with all associates hard and soft landscaping.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	18/05/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2020/1187/	<b>PAC Ref:</b>	2021/A0013
<b>APPELLANT</b>	Norman Harvey	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Approx. 25m South Of 32 Kilmore Road Crossgar		
<b>PROPOSAL</b>	Dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/05/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2020/1360/	<b>PAC Ref:</b>	2021/A0022
<b>APPELLANT</b>	Charlie Magennis	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Base And Morelli's 71-73 Central Promenade Newcastle		
<b>PROPOSAL</b>	Proposed erection of temporary retractable awning and lightweight structure		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	09/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>15</b>	<b>PAC Ref:</b>	2021/A0031
<b>Planning Ref:</b>	LA07/2020/1077/	<b>DEA</b>	Crotlieve
<b>APPELLANT LOCATION</b>	Mr Eammon McAteer 12 Cullion Road Mayobridge RT34 2H11		
<b>PROPOSAL</b>	Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard polystyrene for transfer to re cycling centers		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	25/05/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>	<b>PAC Ref:</b>	2021/A0033
<b>Planning Ref:</b>	LA07/2021/0096/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr Bailey 18a Drumgivan Road Drumgivan Ballynahinch		
<b>PROPOSAL</b>	Extension and renovation of Schoolhouse to domestic dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/05/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

237

<b>ITEM NO</b>	<b>17</b>		
<b>Planning Ref:</b>	LA07/2020/0770/	<b>PAC Ref:</b>	2021/A0034
<b>APPELLANT</b>	Jamie McDonald	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Approx. 40m NE Of 29 Clontigora Hill Newry		
<b>PROPOSAL</b>	Infill dwelling and garage, associated landscaping and site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	25/05/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>18</b>		
<b>Planning Ref:</b>	LA07/2020/0115/	<b>PAC Ref:</b>	2021/A0046
<b>APPELLANT</b>	Brendan Ferris	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	110 Southwest Of 50 Crawfordstown Road Downpatrick		
<b>PROPOSAL</b>	Retrospective change of use of agricultural building to gym		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	28/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

238

<b>ITEM NO</b>	<b>19</b>		
<b>Planning Ref:</b>	LA07/2020/0079/	<b>PAC Ref:</b>	2021/A0049
<b>APPELLANT</b>	M Farrell	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Approximately 50m North West Of No. 53 Ayalogue Road Newry		
<b>PROPOSAL</b>	Dwelling and garage on gap site		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>		
<b>Planning Ref:</b>	LA07/2020/1828/	<b>PAC Ref:</b>	2021/A0051
<b>APPELLANT</b>	Richard Hall	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Adjacent And Immediately North Of 42 Old Belfast Road Dundrum Newcastle		
<b>PROPOSAL</b>	Infill site for dwelling with domestic garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

239

<b>ITEM NO</b>	<b>21</b>	<b>PAC Ref:</b>	2021/A0052
<b>Planning Ref:</b>	LA07/2021/0616/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Andrew Davis		
<b>LOCATION</b>	East And Adjacent To 4 Turmennan Road Crossgar		
<b>PROPOSAL</b>	Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>	<b>PAC Ref:</b>	2021/A0058
<b>Planning Ref:</b>	LA07/2021/0302/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Anne Mullan		
<b>LOCATION</b>	20 Darragh Road Crossgar		
<b>PROPOSAL</b>	Retention of dwelling as annexe to 20 Darragh Road, Crossgar, with construction of new garage link (Retrospective)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	28/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

240

<b>ITEM NO</b>	<b>23</b>	<b>PAC Ref:</b>	2021/A0074
<b>Planning Ref:</b>	LA07/2020/0387/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Mr C O'Connor 59 Drumnaquoile Road Castlewellan		
<b>PROPOSAL</b>	Change of house type and siting in substitution to Planning permission LA07/2018/1590/F		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/07/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>	<b>PAC Ref:</b>	2021/A0075
<b>Planning Ref:</b>	LA07/2021/0450/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Paul Smith 57 Castlewellan Road Newcastle		
<b>PROPOSAL</b>	Artist studio and study to existing dwelling, for domestic use associated with the dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	28/07/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

241

<b>ITEM NO</b>	<b>25</b>		
<b>Planning Ref:</b>	LA07/2020/1830/	<b>PAC Ref:</b>	2021/A0083
<b>APPELLANT</b>	Briega McComiskey	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Approx 160m North West Of No.26 Leode Road Hilltown		
<b>PROPOSAL</b>	Newry Erection of dwelling and domestic garage on a farm		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	03/08/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>		
<b>Planning Ref:</b>	LA07/2020/1702/	<b>PAC Ref:</b>	2021/A0088
<b>APPELLANT</b>	Mr Hewitt	<b>DEA</b>	Rowallane
<b>LOCATION</b>	North West And Adjacent To 59 Glasswater Road Creevycarnon		
<b>PROPOSAL</b>	Crossbar Erection of Sheltered Accommodation for the Elderly		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	11/08/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

242

<b>ITEM NO</b>	<b>27</b>		
<b>Planning Ref:</b>	LA07/2020/0936/	<b>PAC Ref:</b>	2021/A0092
<b>APPELLANT</b>	Mr James Hughes	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Mountview Business Park Rathfriland Road		
<b>PROPOSAL</b>	Newry Replacement free standing vertical sign with logos to both faces		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/08/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>28</b>		
<b>Planning Ref:</b>	LA07/2021/0055/	<b>PAC Ref:</b>	2021/A0105
<b>APPELLANT</b>	Heather & Stephen Verner	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Adjacent & 40m North Of 22 Tullyveery Road Killyleagh		
<b>PROPOSAL</b>	Dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

243

<b>ITEM NO</b>	<b>29</b>		
<b>Planning Ref:</b>	LA07/2021/0790/	<b>PAC Ref:</b>	2021/A0107
<b>APPELLANT LOCATION</b>	Mr & Mrs Wayne Garrett 135m South Of 58 Carsonstown Road Saintfield	<b>DEA</b>	Rowallane
<b>PROPOSAL</b>	Single dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>		
<b>Planning Ref:</b>	LA07/2021/0473/	<b>PAC Ref:</b>	2021/A0109
<b>APPELLANT LOCATION</b>	Rhys Dowsall 5 Killowen Road Rostrevor	<b>DEA</b>	The Mournes
<b>PROPOSAL</b>	Retention of mobile home on concrete hardstanding		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	16/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

244

<b>ITEM NO</b>	<b>31</b>	<b>PAC Ref:</b>	2021/A0112
<b>Planning Ref:</b>	LA07/2020/1834/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr & Mrs Christopher Kelly		
<b>LOCATION</b>	Approx. 200m SE Of No. 36 Mountain Road Ballynahinch		
<b>PROPOSAL</b>	Dwelling on a Farm		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	28/09/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>	<b>PAC Ref:</b>	2021/A0116
<b>Planning Ref:</b>	LA07/2018/0932/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Dynes Bros		
<b>LOCATION</b>	No's 12 And 14 St Patrick's Way And Lands Between 12 And 14 St Patrick's Way Ballyhornan Road Ballyalton Downpatrick (amended Address)		
<b>PROPOSAL</b>	Detached dwelling on lands between 12 and 14 St Patrick's Way and amendments to existing dwellings 12 and 14 to provide additional lands, landscaping and amendments to previously approved parking arrangements. (Amended Proposal)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

245

<b>ITEM NO</b>	<b>33</b>		
<b>Planning Ref:</b>	LA07/2019/1206/	<b>PAC Ref:</b>	2021/A0118
<b>APPELLANT</b>	Kilbroney Timberframe Limited	<b>DEA</b>	Newry
<b>LOCATION</b>	Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street		
<b>PROPOSAL</b>	Proposed 8 dwellings (2 blocks of four terrace dwellings)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	13/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>34</b>		
<b>Planning Ref:</b>	LA07/2021/0762/	<b>PAC Ref:</b>	2021/A0120
<b>APPELLANT</b>	Mr B McCallister	<b>DEA</b>	Rowallane
<b>LOCATION</b>	70 Old Belfast Road Saintfield		
<b>PROPOSAL</b>	Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

246

<b>ITEM NO</b>	<b>35</b>	<b>PAC Ref:</b>	2021/A0122
<b>Planning Ref:</b>	LA07/2020/0921/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Alan Humphries Adjacent To 127a Shore Road Kilclief		
<b>PROPOSAL</b>	Dwelling and garage		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	18/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>36</b>	<b>PAC Ref:</b>	2021/A0128
<b>Planning Ref:</b>	LA07/2020/1002/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT LOCATION</b>	Cathal McGroder & Moira Fegan Site 50m West Of 15 O'Callaghan Road Tullydonnell Silverhridge		
<b>PROPOSAL</b>	Proposed erection of a dwelling house and garage.		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	28/10/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

247

<b>ITEM NO</b>	<b>37</b>		
<b>Planning Ref:</b>	LA07/2021/0092/	<b>PAC Ref:</b>	2021/A0137
<b>APPELLANT</b>	Mr Paul Henry Murney	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	39 Chapel Hill Road Mayobridge		
<b>PROPOSAL</b>	Newry Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	04/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>38</b>		
<b>Planning Ref:</b>	LA07/2021/0174/	<b>PAC Ref:</b>	2021/A0138
<b>APPELLANT</b>	Mary Boal	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	To The Rear Of No. 56 Milltown Street Burren		
<b>PROPOSAL</b>	Warranpoint Proposed dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	04/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

248

<b>ITEM NO</b>	<b>39</b>	<b>PAC Ref:</b>	2021/A0141
<b>Planning Ref:</b>	LA07/2021/1066/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Sean & Linda Tumely		
<b>LOCATION</b>	Adjacent To And North West Of 150A Vianstown Road Downpatrick		
<b>PROPOSAL</b>	Single Dwelling House		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>40</b>	<b>PAC Ref:</b>	2021/A0143
<b>Planning Ref:</b>	LA07/2020/0518/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Mr Alan Milne		
<b>LOCATION</b>	100m North Of 245 Armagh Road Tullyhappy		
<b>PROPOSAL</b>	<sup>Newry</sup> Retention of replacement agricultural store		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	17/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

249

<b>ITEM NO</b>	<b>41</b>		
<b>Planning Ref:</b>	LA07/2021/0536/	<b>PAC Ref:</b>	2021/A0148
<b>APPELLANT</b>	Messrs. M & P Fitzsimons	<b>DEA</b>	Downpatrick
<b>LOCATION</b>	Lands 186m Due West Of 83 Crew Road Ardglass Downpatrick		
<b>PROPOSAL</b>	Proposed building for mixed use agricultural purposes.		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	23/11/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>42</b>		
<b>Planning Ref:</b>	LA07/2019/1375/	<b>PAC Ref:</b>	2021/A0149
<b>APPELLANT</b>	Cacola Ltd	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Lands Immediately South Of 17 Leitrim Road Ballymaginaghy Castlewellan Co Down		
<b>PROPOSAL</b>	Erection of 2 Dwellings		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

250

<b>ITEM NO</b>	<b>43</b>		
<b>Planning Ref:</b>	LA07/2021/1061/	<b>PAC Ref:</b>	2021/A0150
<b>APPELLANT</b>	Mr Dermot O'Hare	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Lands Between 17A And 17B Hilltown Road Mayobridge RT34 2A.1		
<b>PROPOSAL</b>	Proposed dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	02/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>44</b>		
<b>Planning Ref:</b>	LA07/2019/1490/	<b>PAC Ref:</b>	2021/A0154
<b>APPELLANT</b>	Castlehinch Ltd	<b>DEA</b>	Rowallane
<b>LOCATION</b>	North Of 7 And 9 Saintfield Road Ballynahinch		
<b>PROPOSAL</b>	Vary condition 10 of planning approval R/2011/0648/F;  Condition 10: No other development hereby permitted shall be commenced until the works necessary for the improvement of a public		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	02/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

251

<b>ITEM NO</b>	<b>45</b>	<b>PAC Ref:</b>	2021/A0156
<b>Planning Ref:</b>	LA07/2021/0502/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr & Mrs J Wade 71 Lisburn Road Lisdalgaun Saintfield		
<b>PROPOSAL</b>	Replacement dwelling and conversion of existing dwelling to domestic store.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>46</b>	<b>PAC Ref:</b>	2021/A0158
<b>Planning Ref:</b>	LA07/2019/1262/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	SJ Anderson & Sons 11 Lisburn Road Ballynahinch		
<b>PROPOSAL</b>	Replacement of existing dwelling with 4 townhouses and associated site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	03/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

252

<b>ITEM NO</b>	<b>47</b>		
<b>Planning Ref:</b>	LA07/2021/0639/	<b>PAC Ref:</b>	2021/A0161
<b>APPELLANT</b>	Declan Clarke	<b>DEA</b>	Newry
<b>LOCATION</b>	Located Upon Lands Approximately 50 Meters North Of No 33 Ferryhill Road Clontarf		
<b>PROPOSAL</b>	Proposed Erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>48</b>		
<b>Planning Ref:</b>	LA07/2021/0578/	<b>PAC Ref:</b>	2021/A0162
<b>APPELLANT</b>	Mr Brendan Quinn	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Located Upon Lands Approximately 40m South East Of No. 20 Creamery Road Carran		
<b>PROPOSAL</b>	Proposed erection of a rural infill detached dwelling house together with detached domestic garage, site works and associated landscaping		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

253

<b>ITEM NO</b>	<b>49</b>	<b>PAC Ref:</b>	2021/A0163
<b>Planning Ref:</b>	LA07/2021/0361/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Gerard Murphy		
<b>LOCATION</b>	Approximately 84 Metres North East Of No. 2 Milltown Road Lislea		
<b>PROPOSAL</b>	C/o Armanh Proposed erection of an agricultural storage building and associated site works		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>50</b>	<b>PAC Ref:</b>	2021/A0168
<b>Planning Ref:</b>	LA07/2020/1025/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Patrick Fitzsimons		
<b>LOCATION</b>	Adjacent To And North West Of 59 Annacloy Road Downpatrick		
<b>PROPOSAL</b>	RT30 9A0 Proposed dwelling accessed by existing entrance and proposed new entrance for 59 Annacloy Road, Downpatrick		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

254

<b>ITEM NO</b>	<b>51</b>		
<b>Planning Ref:</b>	LA07/2021/0066/	<b>PAC Ref:</b>	2021/A0169
<b>APPELLANT</b>	Mr Peter Connolly	<b>DEA</b>	Newry
<b>LOCATION</b>	3 River Street Newry BT34 1DQ		
<b>PROPOSAL</b>	Conversion of commercial property to four number self contained one bedroom apartments		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>52</b>		
<b>Planning Ref:</b>	LA07/2021/0552/	<b>PAC Ref:</b>	2021/A0173
<b>APPELLANT</b>	Stephen Grogan	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Between 1a And 1b Mullavat Road Newry		
<b>PROPOSAL</b>	Co Down Private dwelling on gap/infill site (two storey requested)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

255

<b>ITEM NO</b>	<b>53</b>		
<b>Planning Ref:</b>	LA07/2021/0408/	<b>PAC Ref:</b>	2021/A0177
<b>APPELLANT</b>	Irwin Carr Consulting Ltd	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Lands Located To The Rear Of No. 7 Osbourne Promenade (together With Rear Access And Parking From Great Georges Street Smith)		
<b>PROPOSAL</b>	Proposed Retention of Existing Office/Storage Building to be used in conjunction with No. 7 Osbourne Promenade (amended description)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>54</b>		
<b>Planning Ref:</b>	LA07/2020/0982/	<b>PAC Ref:</b>	2021/A0178
<b>APPELLANT</b>	Mr Noel McKeivitt	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Approximately 55 Metres North West Of No.5 Upper Fathom Road		
<b>PROPOSAL</b>	Fathom Lower: Proposed erection of 2 No. Rural infill detached dwelling houses and detached garages, rural entrance pillars and gates, additional landscaping and associated site works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	20/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

256

<b>ITEM NO</b>	<b>55</b>		
<b>Planning Ref:</b>	LA07/2021/0598/	<b>PAC Ref:</b>	2021/A0179
<b>APPELLANT</b>	Ryan Kelly	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Adjacent To 104 Downpatrick Road Ballynahinch		
<b>PROPOSAL</b>	Farm dwelling, detached garage and site works		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>56</b>		
<b>Planning Ref:</b>	LA07/2021/0246/	<b>PAC Ref:</b>	2021/A0182
<b>APPELLANT</b>	Gerard Milligan	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Immediately North-west Of 102 Tullybrannigan Road Newcastle		
<b>PROPOSAL</b>	Proposed 3no. self contained tourism units		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	05/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

257

<b>ITEM NO</b>	<b>57</b>		
<b>Planning Ref:</b>	LA07/2021/0428/	<b>PAC Ref:</b>	2021/A0185
<b>APPELLANT</b>	Michael Berrill	<b>DEA</b>	Newry
<b>LOCATION</b>	Casa Bella Interiors 4 The Mall		
<b>PROPOSAL</b>	<sup>Newry</sup> Replacement of existing shop front sign		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	06/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>58</b>		
<b>Planning Ref:</b>	LA07/2021/1747/	<b>PAC Ref:</b>	2021/A0186
<b>APPELLANT</b>	Walter Watson	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Site Between 121 And 121a Ballylough Road Castlewellan		
<b>PROPOSAL</b>	New Infill Dwelling (CTY 8)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

258

<b>ITEM NO</b>	<b>59</b>		
<b>Planning Ref:</b>	LA07/2021/0339/	<b>PAC Ref:</b>	2021/A0192
<b>APPELLANT</b>	Mr Daniel Clarke	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Lands Approx. 30m To North East Of No 16 Ringhaddy Road Killinchy		
<b>PROPOSAL</b>	Proposed site for dwelling in accordance with Policy CTY8 of PPS21		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>60</b>		
<b>Planning Ref:</b>	LA07/2020/1796/	<b>PAC Ref:</b>	2021/A0196
<b>APPELLANT</b>	Joseph McKeivitt	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Immediately North West Of No. 4 Aughnamoira Road Warrenpoint BT34 2PR		
<b>PROPOSAL</b>	Erection of dwelling (amended address)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

259

<b>ITEM NO</b>	<b>61</b>		
<b>Planning Ref:</b>	LA07/2021/1407/	<b>PAC Ref:</b>	2021/A0197
<b>APPELLANT</b>	Mr & Mrs Orr	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Adjacent To 60 Carsonstown Road Carsonstown		
<b>PROPOSAL</b>	Saintfield Erection of Replacement Dwelling and Retention of existing building as outbuilding		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	18/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>62</b>		
<b>Planning Ref:</b>	LA07/2021/0956/	<b>PAC Ref:</b>	2021/A0200
<b>APPELLANT</b>	David Og Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	101m North West Of No.60 Lower Foughill Road Jonesborough		
<b>PROPOSAL</b>	Newry Proposed off site replacement dwelling and associated site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	24/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

260

<b>ITEM NO</b>	<b>63</b>	<b>PAC Ref:</b>	2021/A0203
<b>Planning Ref:</b>	LA07/2021/0620/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Mr Martin Russell Magheralagan Corn Mill Opposite 68 Drumcullan Road		
<b>PROPOSAL</b>	Downnatrix Restoration and Conversion of Magheralagan Corn Mill to single dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/01/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>64</b>	<b>PAC Ref:</b>	2021/A0211
<b>Planning Ref:</b>	LA07/2021/1079/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Bridgeen King 7 Woodgrove Castlewellan		
<b>PROPOSAL</b>	Use of building as salon for home-working (retrospective)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	07/02/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

261

<b>ITEM NO</b>	<b>65</b>	<b>PAC Ref:</b>	2021/A0225
<b>Planning Ref:</b>	LA07/2021/1123/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr & Mrs Malone		
<b>LOCATION</b>	Lands Approx. 50m South East Of 55 Leitrim Road Castlewellan		
<b>PROPOSAL</b>	Proposed Site for erection of 1no detached off site Replacement Dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/02/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>66</b>	<b>PAC Ref:</b>	2021/E0010
<b>Planning Ref:</b>	LA07/2020/1906/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Eamonn McAteer McAteer Recyclin		
<b>LOCATION</b>	Lands At And To The Rear Of No. 12 Cullion Road Mayobridge		
<b>PROPOSAL</b>	Newrv Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/06/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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### Current Appeals

**ITEM NO** 67  
**Planning Ref:** LA07/2020/0622/ **PAC Ref:** 2021/E0013 LDC  
**APPELLANT** Mr Robert Hollywood **DEA** Slieve Gullion  
**LOCATION** Located Upon Lands Approximately 100 Meters North West Of No.34 Church Road  
**PROPOSAL** <sup>Shean</sup>  
 The use of the building is agricultural and used for agricultural storage purposes associated with the existing farm enterprise

**APPEAL TYPE** DC- Refusal of CLUD  
**Appeal Procedure** Written Reps with Site Visit **Date Appeal Lodged** 09/06/2021  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 68  
**Planning Ref:** LA07/2020/1532/ **PAC Ref:** 2021/E0014 LDC  
**APPELLANT** Ms Colleen McGinnis **DEA** Crotlieve  
**LOCATION** Lands At No.33B Ballyvally Road Ballyvally  
<sup>Mavohridne</sup>  
**PROPOSAL** The applicant is seeking a Certificate of Lawfulness (COLEUD) for an existing use or development in relation to an existing access arrangement, hardcore access laneway, 2 No ancillary oil tanks and boiler enclosure, ancillary 1 No detached timber garaqe, ancillary hard

**APPEAL TYPE** DC- Refusal of CLUD  
**Appeal Procedure** Written Reps **Date Appeal Lodged** 09/06/2021  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

263

<b>ITEM NO</b>	<b>69</b>		
<b>Planning Ref:</b>	LA07/2021/0778/	<b>PAC Ref:</b>	2021/E0057
<b>APPELLANT</b>	Norman Graham	<b>DEA</b>	Rowallane
<b>LOCATION</b>	50m North To Rear Of 46 Riverside Road Ballynahinch		
<b>PROPOSAL</b>	Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide lambing/calving, TB Testing onsite facilities with crush		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/12/2021
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>70</b>		
<b>Planning Ref:</b>	LA07/2021/1361/	<b>PAC Ref:</b>	2021/E0069 LDC
<b>APPELLANT</b>	Mr Christopher Skelly	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Land Adjacent And NW Of 50 Flush Road Ballyward Castlewella		
<b>PROPOSAL</b>	The formation of a laneway to the site and the digging of foundations		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/02/2022
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
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E: info@pacni.gov.uk

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**Appeal Reference:** 2020/A0002 (Appeal 1)  
**Appeal by:** EDB Construction Ltd  
**Appeal against:** The refusal of full planning permission  
**Proposed Development:** Demolition of existing dwelling and erection of 7 no 2 bedroom apartments (7 in total) (change of description)  
**Location:** 58 Armagh Road, Newry  
**Planning Authority:** Newry, Mourne and Down District Council  
**Application Reference:** LA07/2017/1559/F  
**Procedure:** Written representations and Commissioner's site visit on 22 July 2021.  
**Decision by:** Commissioner McShane, dated 7 February 2022.

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**Appeal Reference:** 2019/A0159 (Appeal 2)  
**Appeal by:** EDB Construction Ltd  
**Appeal against:** The non-determination of an application for outline planning permission  
**Proposed Development:** Demolition of existing building and erection of apartment development  
**Location:** 58 Armagh Road, Newry  
**Planning Authority:** Newry, Mourne and Down District Council  
**Application Reference:** LA07/2019/1313/O  
**Procedure:** Remote Informal Hearing on 22 July 2021.  
**Decision by:** Commissioner McShane, dated 7 February 2022.

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## Decisions

1. The appeals are dismissed.

## Preliminary Matter

2. The Appellant has submitted three planning applications for apartment development on the appeal site. These are:
  - (i) an application under LA07/2017/1559/F for full planning permission for demolition of the existing dwelling and erection of 7 no 2 bed apartments (change of description), which is the subject of appeal 2020/A0002 (Appeal 1).
  - (ii) an application under LA07/2019/1313/O for outline planning permission for demolition of the existing building and erection of apartment development. The Appellant lodged a non-determination appeal, which is the subject of appeal 2019/A0159 (Appeal 2).

(iii) an application under LA07/2020/0621/F for full planning permission for the demolition of the existing building and erection of 6 no 1 bedroom apartments (amended proposals and plans). At the Hearing into Appeal 2, it became apparent that the Council granted full planning permission for this application in February 2021.

3. The weight to be attached to full planning permission granted by the Council under LA07/2020/0621/F in February 2021 and whether it constitutes a valid "fall-back" alternative for the Appellant is discussed below following consideration of the two appeal proposals.

### **2020/A0002 (Appeal 1)**

#### **Reasons**

4. The main issues in this appeal are:
  - whether the development would create a quality residential development;
  - its impact on the character of the area surrounding the site; and
  - the use of permeable paving to reduce surface run off.
5. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6 (4) of the Act requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as a LDP. The appeal site is located within the designated settlement development limit for Newry. There are no operational policies material to the proposal in the BNMAP.
6. The regional policy context is provided by the Strategic Planning Policy Statement for NI (SPPS). The transitional arrangements set out in Paragraph 1.10 of the SPPS indicate that until such times as a Plan Strategy for the whole Council area has been adopted, planning authorities will apply existing policy within the retained policy documents together with the SPPS.
7. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Paragraph 6.133 of the SPPS states that the planning system can play a positive and supportive role in the delivery of homes to meet the full range of housing needs of society. Paragraph 6.137 states that planning authorities must deliver increased housing density without town cramming and points out that all new housing developments should demonstrate a high quality of design, layout and landscaping.
8. Policy DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI), which relates to Townscape, is a retained policy, with the exception of a specific section on access for the disabled, which has been superseded. The retained provisions of Policy DES 2 are reiterated in Planning Policy Statement 7: Quality Residential

Environments (PPS 7), which is identified by the SPPS as a retained policy document. Guidance in Creating Places and DCAN 8 is also pertinent. The Council also refer to Planning Policy Statement 12: Housing in Settlements (PPS 12) and the addendum to PPS 7, which is entitled "Safeguarding the Character of Established Residential Areas" (the Addendum).

9. PPS 12 provides planning policies for housing within the context of the Strategic Planning Guidelines contained in the Regional Development Strategy (RDS) and defines considerations to be taken into account when preparing local housing policies in development plans. However, it is not intended as a development management document and actually states that planning policy in respect of Planning Control Principles 1 and 2 is set out in PPS 7.
10. The primary purpose of the Addendum is to reinforce existing planning policy on housing within urban areas by introducing additional provisions to protect local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.
11. For the purposes of the Addendum and in order to clarify the existing application of the term; "established residential areas" are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.
12. Policy LC 1 of the Addendum sets out when planning permission will be granted for the redevelopment of existing buildings to accommodate new housing in established residential areas. However, there are three specified circumstances set out in Annex E wherein Policy LC 1 will not apply. One such circumstance is along key and link transport corridors (including designated arterial routes) within cities and large towns.
13. Armagh Road is identified as a Protected Route as shown in Annex B of Planning Policy Statement 3: Access, Movement and Parking (PPS 3). PPS 3 states that these roads contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaports, and with the Republic of Ireland. Key transportation corridors and link corridors are identified in Diagram 3.3 of the Regional Development Strategy 2035 (RDS). Notwithstanding recent road improvements in the Newry area as part of the Eastern Seaboard Key Transport Corridor between the Belfast Metropolitan Area and Dublin and northward to Larne, Armagh Road remains a link transport corridor between Armagh City and Newry City. In this context, the three additional criteria of Policy LC 1 are not applicable to my assessment. Notwithstanding this, Policy LC 3 is applicable and is assessed below.
14. All residential development is required to comply with Policy QD 1 of PPS 7. Policy QD 1 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. It goes on to state that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

15. Nine criteria set out in Policy QD 1 of PPS 7 are required to be met. The Council did not submit a Statement of Case; however, based upon its decision notice it objects to the proposed development on the basis of Criteria (a), (c), (e), (f), (g) and (h) of Policy QD 1. Third Party Objectors also express concern in respect of these matters.
16. Criterion (a) of Policy QD 1 requires the development to respect the surrounding context and be 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.
17. The appeal site is not located in an area of distinctive character such as a Conservation Area or Area of Townscape Character. However, this does not mean that the quality of the residential environment is unimportant in policy terms. The quality and character of the area is also of concern to the Third Party Objectors, who are local residents.
18. A large, two storey, dual pitched roofed, detached dwelling with a single storey rear annex and enclosed yard area stands on the appeal site (0.15 has), which is rectangular in shape. The long established garden includes hedgerows to the boundaries as well as mature deciduous trees along the roadside boundary. Topography within the site rises from west to east; a rise of approximately 3m from the edge of Armagh Road to the common boundary with No.10 Glenpatrick Lawns; the site is elevated in relation to the road.
19. The appeal site is enclosed by residential development. Glenpatrick Lawns a residential development, erected approximately 30 years ago, stands to its south and east. It comprises detached chalet bungalows standing on individual plots with front and rear gardens. All properties have incurtilage parking, some with integral / detached garages. The rear gardens of Nos. 2, 4 and 10 Glenpatrick Lawns adjoin the appeal site. No.60 Armagh Road, comprising a chalet bungalow on a large mature plot stands to the north of the appeal site; its southern gable is oriented to the appeal site. A number of detached dwellings in large plots stand beyond No.60 to the north. On the opposite side of Armagh Road, Violet Hill Avenue, comprising two storey semi-detached dwellings, stands at a significantly lower ground level. Immediately adjacent and north of Violet Hill Avenue is "Ard Brid", which while having the appearance of semi-detached town houses, comprises apartment units. The form, style and finishes of residential development in the area are varied. Nonetheless, development is small scale in nature.
20. The proposed 3 storey building is not comparable to the existing dwelling on the site. It would incorporate what is currently a single storey rear annex and yard area increasing the footprint of the existing dwelling significantly and it would provide a considerably greater amount of living accommodation. Each apartment would have two double bedrooms; the building as a whole could accommodate 28 individuals. Notwithstanding the proposal to lower ground levels on the site by 1m, in views from Armagh Road and Glenpatrick Lawns, the proposed large three storey hipped roof apartment building with front dormer windows and Georgian detailing would appear significantly greater in mass and scale than any residential development in the vicinity of the site.

21. The intensified scale and massing of the building in combination with the impact of ancillary development, including car parking and the location of a refuse storage point forward of the building line, would be visually unacceptable. The proposal would not respect the surrounding context. Rather, notwithstanding vegetation, it would appear incongruous in the local street scene.
22. The proposed development fails to respect the surrounding context and its layout, scale, proportions and massing would be unacceptable and inappropriate to the character and topography of the site. It would comprise overdevelopment of the site. The Council and Third Parties' objections to the proposed development based upon Criterion (a) of Policy QD 1 are well founded.
23. Criterion (c) of PPS 7 requires that adequate provision is made for public and private open space. Paragraph 4.31 of the Justification and Amplification text indicates that private open space for apartment development may be provided in the form of communal gardens where appropriate management arrangements are in place. A Landscape Management Plan was submitted in June 2018, which proposed setting up a Land Management Company that would be responsible for the maintenance of all public areas identified by contract. The creation of such a Company and its remit could be secured by condition.
24. Creating Places states that in the case of apartment developments, private communal open space should range from a minimum of 10sqm to around 30sqm per unit with the appropriate level of provision to be determined having regard to the particular context of the development and the overall design concept.
25. Criterion (c) is specifically cited in the Council's decision notice; however there is no reference or assessment of it in the Case Officer's Report, which I revert to in the absence of a Statement of Case. The Appellant indicates that the proposed development provides 190sqm open space to the rear and side of the proposed apartment building, equating to 27sqm per apartment. My measurements, based upon the Site Plan drawing submitted, indicate that the communal garden area would be less than this and would equate to approximately 23sqm per unit. This would be acceptable, given the context wherein residents would also have access to a front garden area. The objections to the proposed development based upon Criterion (c) of Policy QD 1 are not well founded.
26. Criterion (e) of PPS 7 requires a movement pattern to be 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. Criterion (e) is specifically cited in the Council's decision notice; however again there is no reference to it in the Case Officer's Report. There is vehicular access from Armagh Road and a footpath from Armagh Road into the site could be required by the imposition of a condition. Local shopping is available at Fiveways and there is a bus stop nearby that would facilitate travel into the city centre. A disabled parking space would be provided, a lift would be provided within the building and revised drawings, submitted in the Appellant's Statement of Case, indicate that a ramp access to the building would be provided. The Council and Third Parties' objections to the proposed development based upon Criterion (e) of PPS 7 are not well founded.

27. Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. The Department's published Parking Standards document indicates at Table 7 that for 2 bedroom apartments where spaces are unassigned, 1.5 spaces are required per dwelling. The proposed development of 7 no 2 bedroom apartments includes provision for 11 car parking spaces, including 1 disability space. The amount of car parking would be adequate per se and it would also be adequate in the context of the location of the appeal site.
28. In addition, all car parking is required to be well designed, convenient and located to allow for informal surveillance. Four car parking spaces are proposed to the front of the building. In combination with the unacceptable scale and massing of the building and ancillary development, the proposed car parking would have an unacceptable impact on the area. In addition, submitted drawings indicate that the mature boundary vegetation between the appeal site and No.10 Glenpatrick Lawns would be removed to facilitate the provision of car parking to the rear, which would be unacceptable.
29. The site, scale and layout of the apartment units and associated car parking at "Ard Brid" differ significantly from the proposed development. Accordingly, its approval does not set a precedent for the proposed development on the appeal site. Each application is required to be considered on its own merits in its site specific circumstances. The Council and Third Parties' objection to the proposed development based upon Criterion (f) of Policy QD 1 are well founded.
30. Criterion (g) of Policy QD 1 requires that the design of the development draws upon the best local traditions of form, materials and detailing. The proposed 3 storey, black tiled, hipped roof building, would include two dormer windows and a roof light to the front elevation. Details provided on the elevation drawings indicate that fascia and bargeboards would be black PVC as would the down pipes and gutters. Windows would be white PVC, while external doors would be coloured PVC. Walls would comprise smooth cream coloured render. The proposed design would not provide a genuine Georgian aesthetic in terms of form, materials and detailing as claimed. Rather, the building would comprise a poor imitation that would have an unacceptable negative impact on the locality. The Council and Third Parties' objections to the proposed development based on Criterion (g) of Policy QD1 are well founded.
31. Criterion (h) of Policy QD 1 requires that 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.
32. The appeal site is located north and west of the properties in Glenpatrick Lawns. It has not been demonstrated that proposed building would create unacceptable overshadowing of or loss of light to those dwellings.
33. The proposal includes the provision of 7 no carparking spaces that would be located immediately adjacent to the common boundary with No.10 Glenpatrick Lawns. Vehicles travelling to the rear carparking area would pass the southern gable of No.60 Armagh Road. A Noise Impact Assessment (NIA) was submitted in August 2018, which concluded that there would be no adverse impact on

adjacent properties. There was no persuasive challenge to the findings of the NIA. In addition, a 2m high acoustic close board fence would be erected along the northern and eastern boundaries of the site. A condition could be imposed to require the extension of this along part of the southern boundary. I have not been persuaded that there would be an unacceptable adverse impact on amenity arising from noise from the proposed development. The close board acoustic fence would also preclude any unacceptable adverse impact on adjacent properties from car lights. A lighting plan to cover all external lighting, as proposed by the Appellant, could be required by imposing a condition.

34. Paragraph 4.38 of PPS 7 states that the protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and that it is a particularly important consideration where new development is proposed adjacent to existing properties. Guidance recognises that great care will be needed in designs where new residential development, such as apartments, include living rooms on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties.
35. Paragraph 7.12 of Creating Places indicates that layouts that include apartments facing onto the rear garden spaces of other dwellings should be avoided as, among other things, they can adversely affect privacy. Paragraph 7.17 states that in lower density areas, good practice indicates that a separation distance of around 30m should be observed. It also states that where such development abuts the private garden areas of existing properties, a minimum distance of 15m should be provided between the rear of apartments and the common boundary.
36. The proposed apartment building would stand 16.2m from the common boundary, at its closest point. Notwithstanding this, No.10 Glenpatrick Lawns, which is not shown on the proposed Site Plan, stands 8m from the common boundary at its closest point. Contrary to the guidance in Paragraph 7.12 of Creating Places, four windows in a proposed first floor apartment; three serving the kitchen / dining / living area and the fourth a bedroom, would face onto the rear garden space of No.10. The proposed layout in combination with the layout of No.10 and the separation distance would result in unacceptable overlooking of the rear private amenity space and habitable rooms of No.10, which would have an unacceptable negative impact on privacy and residential amenity.
37. Another of the proposed first floor apartments would have a bedroom window on the southern gable elevation of the proposed building. This would face towards and overlook the rear elevation of No.2 Glenpatrick Lawns, given the north-south orientation of the property. Both its rear private amenity space and the windows of ground floor habitable rooms would be overlooked. Overlooking from a bedroom window cannot be set aside simply because it serves a bedroom. Bedrooms can very often be used at all times of the day, particularly by younger persons and particularly by those living in apartments. The bedroom window in the southern gable elevation of the proposed apartment building, in combination with the minimal separation distance between it and the rear elevation of the existing dwelling would lead to unacceptable overlooking of No.2 and would have an unacceptable impact upon privacy and residential amenity. Accordingly, the Council and Third Parties' objection to the proposed development based upon Criterion (h) of Policy QD 1 are well founded in this respect.

38. The Council and Third Parties' objections to the proposed development based upon Criteria (a), (f), (g), and (h) of Policy QD 1 are well founded. Accordingly, the Council has sustained its first refusal reason based upon Policy QD 1 of PPS 7.
39. As the appeal proposal fails to comply with Policy QD 1 of PPS 7, it follows that it would fail to make a positive contribution to townscape and would not be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Accordingly, the Council has also sustained its third reason for refusal based upon Policy DES 2 of the PSRNI.
40. Policy LC 3 of the Addendum states that favourable consideration will be given to using permeable paving within new residential developments as a means of reducing the risk of flooding associated with surface water run-off. Where appropriate private driveways, patios, paths, and shared hard landscaped surfaces should be built using permeable paving materials. The drawings indicate that the parking areas would be constructed with permeable paving. The Appellant also indicates that he would be willing to provide permeable paving materials within the development in accordance with Policy LC 3 of the Addendum. This could be secured by condition. The Council has failed to sustain its second reason for refusal based upon Policy LC 3 of the Addendum.
41. In addition to their objections outlined above, Third Party Objectors raised a number of other concerns. The existing dwelling may be considered to be an important landmark and of historic interest locally; however it is not listed and there is nothing to preclude its demolition.
42. Communal refuse storage is a regular feature of apartment developments and I have not been persuaded that it would lead to unhygienic conditions giving rise to vermin. Paragraph 6.0 of the proposed Landscape Management Plan outlines a Maintenance Programme to ensure that the external public spaces remain in good visual, safe and hygienic condition. The creation of the Company and its remit could be secured by condition.
43. The necessary visibility splays could be required to be provided and permanently retained by the imposition of a condition. The traffic generated by 7 apartments would make no significant difference to traffic levels on Armagh Road. I have not been persuaded that the proposal should be refused on grounds of road safety or the convenient flow of traffic.
44. Assertions have been made that the proposed development will result in a devaluation of existing properties in the area, however no substantive evidence was provided to this effect. While a covenant required Glenpatrick Lawns to be developed in a specific manner, this is a private matter and not applicable to the appeal site.
45. There is widespread concern that the development of apartments, irrespective of tenure, would have a negative impact on the local residents' safety; however any public order incidents would be a matter for the PSRNI.



46. Assertions have been made with respect to the presence of springs and potential land instability; however no substantive evidence was provided to this effect.
47. For the reasons outlined above, the proposed development fails to comply with Criteria (a), (f), (g), and (h) of Policy QD 1 of PPS 7 and Policy DES 2 of the PSRNI. Accordingly, the Council's first and third reasons for refusal are sustained and are determining. The proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

### **2019/A0159 (Appeal 2)**

#### **Reasons**

48. The main issue in this appeal is whether the development would create a quality residential environment.
49. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) requires regard to be had to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. Section 6 (4) of the Act requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as a LDP. The appeal site is located within the designated settlement development limit for Newry. There are no operational policies material to the proposal in the BNMAP.
50. The regional policy context is provided by the Strategic Planning Policy Statement for NI (SPPS). The transitional arrangements set out in Paragraph 1.10 of the SPPS indicate that until such times as a Plan Strategy for the whole Council area has been adopted, planning authorities will apply existing policy within the retained policy documents together with the SPPS.
51. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.
52. Paragraph 6.133 of the SPPS states that the planning system can play a positive and supportive role in the delivery of homes to meet the full range of housing needs of society. Paragraph 6.137 states that planning authorities must deliver increased housing density without town cramming and points out that all new housing developments should demonstrate a high quality of design, layout and landscaping.
53. The appeal site is located within the designated settlement development limit of Newry; therefore the policy context is provided by Planning Policy Statement 7: Quality Residential Developments (PPS 7). The SPPS identifies this as a retained policy document. Guidance in Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN 8) is also pertinent.

54. This is a non-determination, Section 60 appeal; jurisdiction has passed to the Commission. The Council, by letter to the Commission dated 4 December 2019, indicated that it had no objections in principle to the proposal and recommended approval of outline planning permission based upon LPA Drawing No.01: Site Location Plan, subject to 19 conditions. Third Parties object to the appeal proposal. The Commission must consider any such representations; they are an integral part of the statutory scheme.
55. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that proposals will create a quality and sustainable residential environment. The design and layout are required to be based upon an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
56. Policy QD 2 of PPS 7 requires the submission of a Design Concept Statement to accompany all planning applications for residential development. Paragraph 4.42 of the Justification and Amplification of Policy QD 2 points out that it is considered necessary that such information accompany outline applications to show how the developer will deliver a quality residential development on a particular site, indicating how the design has evolved and providing a clear idea of what is intended for the site without the need for fully detailed plans. The text goes on to state that without this information at outline stage, a satisfactory layout and design that meets acceptable standards cannot be guaranteed.
57. Paragraph 4.44 states that a Design Concept statement is necessary to demonstrate how the proposed scheme has taken account of the main features of the site and its context and how it will meet the criteria set out in Policy QD 1. Paragraph 4.45 states that the Statement should outline in writing the overall design concept and objectives for the site and include an indicative concept plan, based upon the appraisal of the site and its context. Paragraph 4.51 indicates that where outline planning permission is granted for residential development based upon indicative plans, a condition will be imposed requiring that any reserved matters application be based broadly on such plans.
58. The planning history on the appeal site is as follows. A full planning application for 10 no apartments was submitted in October 2017 (1 no 1 bed and 9 no 2 bed apartments). This was subsequently amended to 7 no apartments (1 no 1 bed and 6 no 2 bed apartments). Further layout and design changes were made thereafter with the application for full planning permission seeking approval for 7 no 2 bed apartments in the final instance. On the basis that there appeared to be little progress towards a decision by the Council in respect of the application for full planning permission, and as the non-determination appeal period for that application had lapsed, the Appellant submitted a new application for outline planning permission in August 2019. The non-determination appeal was lodged in November 2019.
59. A Design Concept Statement was submitted in August 2019 with the application for outline planning permission. The drawings comprise a Site Survey; Conceptual Site Layout; Ground and First Floor Plans; Second Floor Plan and Rear Elevation; and Front and Side Elevations. The Conceptual Site Layout drawing is also included in Appendix 5 of the Appellant's Statement of Case. At the Hearing, the

Appellant confirmed that the drawings within the Design Concept Statement are before me.

60. The drawings within the Design Concept Statement accompanying the application for outline planning permission are however identical to those submitted and considered in respect of the application for full planning permission considered under Appeal 1. I have already concluded that the development as shown would be contrary to Criteria (a), (f), (g), and (h) of Policy QD 1 of PPS 7 and Policy DES 2 of the PSRNI.
61. The Council considers the Design Concept Statement to be unacceptable. Nevertheless, in an attempt to get "something on the site that works" and taking the view that "it would be difficult not to allow some residential development", it concluded that the way to move forward was to recommend approval of an outline planning permission for apartment development while imposing "strict conditions". The Council explained that restricting the development by the imposition of strict conditions was necessary to ensure that the development would meet policy and guidance and offer protection to existing residents, particularly in terms of residential amenity. The Third Party Objectors oppose such an approach arguing that having spent a considerable amount of time studying and assessing the proposal put forward in the Design Concept Statement, if that is set aside as proposed by the Council with no information to replace it, they no longer know "what is being proposed or discussed".
62. The Appellant argues that the principle of apartment development on the appeal site has already been established by the Council's approval of full planning permission under LA07/2020/0621/F. He goes on to argue that all issues relating to siting, design, external appearance means of access and landscaping can be determined at reserved matters stage, as referred to in the Council's proposed Condition 2. The Appellant argues specifically that the Council's proposed Conditions No.6 (siting), No.7 (height, scale and massing), No.10 (footprint), No.11 (gable depth), No.12 (only windows serving non habitable rooms on the southern gable) and No.14 (all car parking restricted to the rear) are unnecessary.
63. Significantly, the Appellant claims that issues such as the impact of development on the character of an area and its effect on residential amenity, including overlooking and privacy, are matters to be addressed at reserved matters stage. However, I judge that in order to enable determination of whether a development is acceptable in principle, sufficient information must accompany an outline planning application to show how the developer would deliver a quality residential environment on the particular site.
64. The Appellant argues, for example, that it would be unacceptable to restrict the siting and form of the proposed building when it has been demonstrated that a larger building, as shown in Appendix 5 of the Appellant's Statement of Case, could be accommodated on the site without harm to the amenity of the neighbouring dwellings. However, this is the same conceptual drawing that I have already concluded fails to demonstrate compliance with Policy QD 1 under Appeal 1.
65. Furthermore, in the absence of sufficient information to show how the proposed development has taken account of the main features of the site and its context, it

is impossible to determine whether the Council's proposed "strict" conditions meet the tests for conditions set out in Paragraph 5.65 of the SPPS. Conditions must only be imposed where they are: necessary; relevant to planning; relevant to the development being permitted; precise; enforceable; and reasonable.

66. The Council, for example, proposes to restrict the number of apartments to 4 no indicating that this is based upon the number of apartments that could be provided if the existing dwelling were to be converted into apartments; however that is not what the application relates to. Furthermore, the extant approval on the site allows for 6 no 1 bed apartments. By comparison, the Appellant argues that 7.5 no apartments could be accommodated, based upon the density of the "Ard Brid" apartments. However, that site is not directly comparable with the appeal site.
67. The appropriate scale of development, including number of apartments, must be based on how the proposed development takes account of the main features of the site and its context and how it will meet the criteria set out in Policy QD 1. In the absence of sufficient information, imposing strict conditions in a broad brush manner as a catch-all scenario is unworkable, unacceptable and contrary to Paragraph 5.65 of the SPPS.
68. The Appellant claims repeatedly that the appeal site could accommodate a larger apartment development than that approved while still complying with policy. However, he fails to demonstrate how such a residential environment would be developed. I conclude that without this information at outline stage, a satisfactory layout and design cannot be guaranteed. The Council's proposed imposition of strict conditions does not overcome the deficiency in information. The Third Party Objectors' concerns about the inadequacy of the information submitted are well founded.

### **Fall-back Alternative**

69. Appropriate weight must be given to the extant full planning permission for 6 no 1 bed apartments on the appeal site. In essence the context of the fall-back position is that consideration must be given to what the Appellant could do without any fresh planning permission – ie. "fall-back" on an existing planning permission.
70. There are three important principles in this respect. First, there is no dispute that there is a lawful ability for the Appellant to undertake the development approved under the extant permission, as an alternative to the proposals under consideration. Second, there is no dispute that there is a truly realistic possibility of such development occurring.
71. Third, a comparison must be made between the proposed developments and the fall-back in terms of their respective impacts on the environment. In weighing up the relative environmental impacts of the proposed developments and the "fall-back" position, it must be shown that the former would have less or no more detrimental effect on amenity.
72. The approved apartments would be arranged over two floors within a two storey, dual pitched roofed building, which would be smaller in scale and mass than that proposed under Appeal 1. There would be no habitable room windows to the southern elevation. The expanse of glazing overlooking No.10 would be less. The

amount of car parking to the front of the building would be less. There would be no bin storage to the front of the building. The proposed development of 7 no 2 bedroom apartments in a three storey hipped roof apartment building with front dormer windows, Georgian detailing and habitable room windows in the southern elevation, extensive glazing facing the rear garden of No.10 Glenpatrick Lawns, in combination with unacceptable ancillary development would have a significantly greater and more detrimental effect on amenity than the extant planning permission for 6 no 1 bed apartments.

73. The Appellant claims that the site could accommodate a more intensive apartment development than that allowed under the extant planning permission. He argues that this could include a building of larger scale and mass; a greater number of apartments, some with 2 bedrooms; and windows serving habitable rooms to the southern elevation. However, given the absence of a Design Concept Statement that demonstrates how the proposed apartment development takes account of the main features of the site and its context and how it will meet the criteria set out in Policy QD 1, I have not been persuaded that such a development would have less or no more detrimental effect on amenity than the extant approval.

### **Conclusion**

74. It has not been demonstrated that the proposed developments would have less or no more detrimental effect on amenity than the extant planning permission. Accordingly, for the reasons outlined above Appeal 1 and Appeal 2 are dismissed.

### **2020/A0002 (Appeal 1)**

The decision to dismiss Appeal 1 is based on the following drawings:-

This decision is based on the following drawings, date stamped refused 16/12/2019:-

- LPA Drwg No.01: Site Location Map (Scale 1:1250)
- LPA Drwg No.02: Site Plan (Scale as specified)
- LPA Drwg No.03: Proposed Elevations: Front and Sides (Scale 1:100)
- LPA Drwg No.05: Proposed Second Floor Plan and Rear Elevation (Scale 1:100); and
- LPA Drwg No.04 Rev A: Proposed Ground and First Floor Plans (Scale 1:100), submitted in the Appellant's Statement of Case.

### **2019/A0159 (Appeal 2)**

The decision to dismiss Appeal 2 is based on the following drawing, date stamped received 23 August 2019:-

- LPA Drwg No.01: Site Location Plan (Scale 1:1250)

**COMMISSIONER MCSHANE**

2020/A0002 (Appeal 1)

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**List of Documents**

Appellant:-	"APP 1" Statement of Case and Appendices "APP 2" Rebuttal Statement and Appendices (O'Toole & Starkey, Planning Consultants)
Third Parties:-	"TPO 1" Statement of Case "TPO 1a Rebuttal Statement and Appendix (2 Glenpatrick Lawns)  "TPO 2" Statement of Case "TPO 2a Rebuttal Statement (No. 4 Glenpatrick Lawns and on behalf of Nos.1, 5, 7, 8)  "TPO 3" Statement of Case "TPO 3a Rebuttal Statement (Nos. 6 Glenpatrick Lawns and on behalf of No.3)

2019/A0159 (Appeal 2)

**List of Appearances**

Local Planning Authority:-	Ms P Manley Mr A Davidson (Newry, Mourne and Down District Council)
Appellant:-	Mr R O'Toole (O'Toole and Starkey Planning Consultants)
Third Party Objectors:-	Mr D Smyth Ms B Gallagher Mr J Ellison (representing Mr Conway)

**List of Documents**

Local Planning Authority:-	"LPA 1" Statement of Case and Appendix (Newry, Mourne and Down District Council)
Appellant:-	"APP 1" Statement of Case and Appendices (O'Toole and Starkey Planning Consultants)
Third Party Objectors:-	"TPO 1" Statement of Case (No.2 Glenpatrick Lawns)  "TPO 2" Statement of Case (No.4 Glenpatrick Lawns)  "TPO 3" Statement of Case (No.6 Glenpatrick Lawns)





# Appeal Decision

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**Appeal Reference:** 2020/A0002 (Appeal 1)  
**Appeal by:** EDB Construction Ltd  
**Appeal against:** The refusal of full planning permission  
**Proposed Development:** Demolition of existing dwelling and erection of 7 no 2 bedroom apartments (7 in total) (change of description)  
**Location:** 58 Armagh Road, Newry  
**Planning Authority:** Newry, Mourne and Down District Council  
**Application Reference:** LA07/2017/1559/F  
**Procedure:** Written representations and Commissioner's site visit on 22 July 2021.  
**Decision by:** Commissioner McShane, dated 7 February 2022.

**Appeal Reference:** 2019/A0159 (Appeal 2)  
**Appeal by:** EDB Construction Ltd  
**Appeal against:** The non-determination of an application for outline planning permission  
**Proposed Development:** Demolition of existing building and erection of apartment development  
**Location:** 58 Armagh Road, Newry  
**Planning Authority:** Newry, Mourne and Down District Council  
**Application Reference:** LA07/2019/1313/O  
**Procedure:** Remote Informal Hearing on 22 July 2021.  
**Decision by:** Commissioner McShane, dated 7 February 2022.

## Decisions

1. The appeals are dismissed.

## Preliminary Matter

2. The Appellant has submitted three planning applications for apartment development on the appeal site. These are:
  - (i) an application under LA07/2017/1559/F for full planning permission for demolition of the existing dwelling and erection of 7 no 2 bed apartments (change of description), which is the subject of appeal 2020/A0002 (Appeal 1).
  - (ii) an application under LA07/2019/1313/O for outline planning permission for demolition of the existing building and erection of apartment development. The Appellant lodged a non-determination appeal, which is the subject of appeal 2019/A0159 (Appeal 2).



(iii) an application under LA07/2020/0621/F for full planning permission for the demolition of the existing building and erection of 6 no 1 bedroom apartments (amended proposals and plans). At the Hearing into Appeal 2, it became apparent that the Council granted full planning permission for this application in February 2021.

3. The weight to be attached to full planning permission granted by the Council under LA07/2020/0621/F in February 2021 and whether it constitutes a valid "fall-back" alternative for the Appellant is discussed below following consideration of the two appeal proposals.

### **2020/A0002 (Appeal 1)**

#### **Reasons**

4. The main issues in this appeal are:
  - whether the development would create a quality residential development;
  - its impact on the character of the area surrounding the site; and
  - the use of permeable paving to reduce surface run off.
5. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6 (4) of the Act requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as a LDP. The appeal site is located within the designated settlement development limit for Newry. There are no operational policies material to the proposal in the BNMAP.
6. The regional policy context is provided by the Strategic Planning Policy Statement for NI (SPPS). The transitional arrangements set out in Paragraph 1.10 of the SPPS indicate that until such times as a Plan Strategy for the whole Council area has been adopted, planning authorities will apply existing policy within the retained policy documents together with the SPPS.
7. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Paragraph 6.133 of the SPPS states that the planning system can play a positive and supportive role in the delivery of homes to meet the full range of housing needs of society. Paragraph 6.137 states that planning authorities must deliver increased housing density without town cramming and points out that all new housing developments should demonstrate a high quality of design, layout and landscaping.
8. Policy DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI), which relates to Townscape, is a retained policy, with the exception of a specific section on access for the disabled, which has been superseded. The retained provisions of Policy DES 2 are reiterated in Planning Policy Statement 7: Quality Residential

Environments (PPS 7), which is identified by the SPPS as a retained policy document. Guidance in Creating Places and DCAN 8 is also pertinent. The Council also refer to Planning Policy Statement 12: Housing in Settlements (PPS 12) and the addendum to PPS 7, which is entitled "Safeguarding the Character of Established Residential Areas" (the Addendum).

9. PPS 12 provides planning policies for housing within the context of the Strategic Planning Guidelines contained in the Regional Development Strategy (RDS) and defines considerations to be taken into account when preparing local housing policies in development plans. However, it is not intended as a development management document and actually states that planning policy in respect of Planning Control Principles 1 and 2 is set out in PPS 7.
10. The primary purpose of the Addendum is to reinforce existing planning policy on housing within urban areas by introducing additional provisions to protect local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.
11. For the purposes of the Addendum and in order to clarify the existing application of the term; "established residential areas" are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.
12. Policy LC 1 of the Addendum sets out when planning permission will be granted for the redevelopment of existing buildings to accommodate new housing in established residential areas. However, there are three specified circumstances set out in Annex E wherein Policy LC 1 will not apply. One such circumstance is along key and link transport corridors (including designated arterial routes) within cities and large towns.
13. Armagh Road is identified as a Protected Route as shown in Annex B of Planning Policy Statement 3: Access, Movement and Parking (PPS 3). PPS 3 states that these roads contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaports, and with the Republic of Ireland. Key transportation corridors and link corridors are identified in Diagram 3.3 of the Regional Development Strategy 2035 (RDS). Notwithstanding recent road improvements in the Newry area as part of the Eastern Seaboard Key Transport Corridor between the Belfast Metropolitan Area and Dublin and northward to Larne, Armagh Road remains a link transport corridor between Armagh City and Newry City. In this context, the three additional criteria of Policy LC 1 are not applicable to my assessment. Notwithstanding this, Policy LC 3 is applicable and is assessed below.
14. All residential development is required to comply with Policy QD 1 of PPS 7. Policy QD 1 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. It goes on to state that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

15. Nine criteria set out in Policy QD 1 of PPS 7 are required to be met. The Council did not submit a Statement of Case; however, based upon its decision notice it objects to the proposed development on the basis of Criteria (a), (c), (e), (f), (g) and (h) of Policy QD 1. Third Party Objectors also express concern in respect of these matters.
16. Criterion (a) of Policy QD 1 requires the development to respect the surrounding context and be 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.
17. The appeal site is not located in an area of distinctive character such as a Conservation Area or Area of Townscape Character. However, this does not mean that the quality of the residential environment is unimportant in policy terms. The quality and character of the area is also of concern to the Third Party Objectors, who are local residents.
18. A large, two storey, dual pitched roofed, detached dwelling with a single storey rear annex and enclosed yard area stands on the appeal site (0.15 has), which is rectangular in shape. The long established garden includes hedgerows to the boundaries as well as mature deciduous trees along the roadside boundary. Topography within the site rises from west to east; a rise of approximately 3m from the edge of Armagh Road to the common boundary with No.10 Glenpatrick Lawns; the site is elevated in relation to the road.
19. The appeal site is enclosed by residential development. Glenpatrick Lawns a residential development, erected approximately 30 years ago, stands to its south and east. It comprises detached chalet bungalows standing on individual plots with front and rear gardens. All properties have incurtilage parking, some with integral / detached garages. The rear gardens of Nos. 2, 4 and 10 Glenpatrick Lawns adjoin the appeal site. No.60 Armagh Road, comprising a chalet bungalow on a large mature plot stands to the north of the appeal site; its southern gable is oriented to the appeal site. A number of detached dwellings in large plots stand beyond No.60 to the north. On the opposite side of Armagh Road, Violet Hill Avenue, comprising two storey semi-detached dwellings, stands at a significantly lower ground level. Immediately adjacent and north of Violet Hill Avenue is "Ard Brid", which while having the appearance of semi-detached town houses, comprises apartment units. The form, style and finishes of residential development in the area are varied. Nonetheless, development is small scale in nature.
20. The proposed 3 storey building is not comparable to the existing dwelling on the site. It would incorporate what is currently a single storey rear annex and yard area increasing the footprint of the existing dwelling significantly and it would provide a considerably greater amount of living accommodation. Each apartment would have two double bedrooms; the building as a whole could accommodate 28 individuals. Notwithstanding the proposal to lower ground levels on the site by 1m, in views from Armagh Road and Glenpatrick Lawns, the proposed large three storey hipped roof apartment building with front dormer windows and Georgian detailing would appear significantly greater in mass and scale than any residential development in the vicinity of the site.

21. The intensified scale and massing of the building in combination with the impact of ancillary development, including car parking and the location of a refuse storage point forward of the building line, would be visually unacceptable. The proposal would not respect the surrounding context. Rather, notwithstanding vegetation, it would appear incongruous in the local street scene.
22. The proposed development fails to respect the surrounding context and its layout, scale, proportions and massing would be unacceptable and inappropriate to the character and topography of the site. It would comprise overdevelopment of the site. The Council and Third Parties' objections to the proposed development based upon Criterion (a) of Policy QD 1 are well founded.
23. Criterion (c) of PPS 7 requires that adequate provision is made for public and private open space. Paragraph 4.31 of the Justification and Amplification text indicates that private open space for apartment development may be provided in the form of communal gardens where appropriate management arrangements are in place. A Landscape Management Plan was submitted in June 2018, which proposed setting up a Land Management Company that would be responsible for the maintenance of all public areas identified by contract. The creation of such a Company and its remit could be secured by condition.
24. Creating Places states that in the case of apartment developments, private communal open space should range from a minimum of 10sqm to around 30sqm per unit with the appropriate level of provision to be determined having regard to the particular context of the development and the overall design concept.
25. Criterion (c) is specifically cited in the Council's decision notice; however there is no reference or assessment of it in the Case Officer's Report, which I revert to in the absence of a Statement of Case. The Appellant indicates that the proposed development provides 190sqm open space to the rear and side of the proposed apartment building, equating to 27sqm per apartment. My measurements, based upon the Site Plan drawing submitted, indicate that the communal garden area would be less than this and would equate to approximately 23sqm per unit. This would be acceptable, given the context wherein residents would also have access to a front garden area. The objections to the proposed development based upon Criterion (c) of Policy QD 1 are not well founded.
26. Criterion (e) of PPS 7 requires a movement pattern to be 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. Criterion (e) is specifically cited in the Council's decision notice; however again there is no reference to it in the Case Officer's Report. There is vehicular access from Armagh Road and a footpath from Armagh Road into the site could be required by the imposition of a condition. Local shopping is available at Fiveways and there is a bus stop nearby that would facilitate travel into the city centre. A disabled parking space would be provided, a lift would be provided within the building and revised drawings, submitted in the Appellant's Statement of Case, indicate that a ramp access to the building would be provided. The Council and Third Parties' objections to the proposed development based upon Criterion (e) of PPS 7 are not well founded.

27. Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. The Department's published Parking Standards document indicates at Table 7 that for 2 bedroom apartments where spaces are unassigned, 1.5 spaces are required per dwelling. The proposed development of 7 no 2 bedroom apartments includes provision for 11 car parking spaces, including 1 disability space. The amount of car parking would be adequate per se and it would also be adequate in the context of the location of the appeal site.
28. In addition, all car parking is required to be well designed, convenient and located to allow for informal surveillance. Four car parking spaces are proposed to the front of the building. In combination with the unacceptable scale and massing of the building and ancillary development, the proposed car parking would have an unacceptable impact on the area. In addition, submitted drawings indicate that the mature boundary vegetation between the appeal site and No.10 Glenpatrick Lawns would be removed to facilitate the provision of car parking to the rear, which would be unacceptable.
29. The site, scale and layout of the apartment units and associated car parking at "Ard Brid" differ significantly from the proposed development. Accordingly, its approval does not set a precedent for the proposed development on the appeal site. Each application is required to be considered on its own merits in its site specific circumstances. The Council and Third Parties' objection to the proposed development based upon Criterion (f) of Policy QD 1 are well founded.
30. Criterion (g) of Policy QD 1 requires that the design of the development draws upon the best local traditions of form, materials and detailing. The proposed 3 storey, black tiled, hipped roof building, would include two dormer windows and a roof light to the front elevation. Details provided on the elevation drawings indicate that fascia and bargeboards would be black PVC as would the down pipes and gutters. Windows would be white PVC, while external doors would be coloured PVC. Walls would comprise smooth cream coloured render. The proposed design would not provide a genuine Georgian aesthetic in terms of form, materials and detailing as claimed. Rather, the building would comprise a poor imitation that would have an unacceptable negative impact on the locality. The Council and Third Parties' objections to the proposed development based on Criterion (g) of Policy QD1 are well founded.
31. Criterion (h) of Policy QD 1 requires that 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.
32. The appeal site is located north and west of the properties in Glenpatrick Lawns. It has not been demonstrated that proposed building would create unacceptable overshadowing of or loss of light to those dwellings.
33. The proposal includes the provision of 7 no carparking spaces that would be located immediately adjacent to the common boundary with No.10 Glenpatrick Lawns. Vehicles travelling to the rear carparking area would pass the southern gable of No.60 Armagh Road. A Noise Impact Assessment (NIA) was submitted in August 2018, which concluded that there would be no adverse impact on

adjacent properties. There was no persuasive challenge to the findings of the NIA. In addition, a 2m high acoustic close board fence would be erected along the northern and eastern boundaries of the site. A condition could be imposed to require the extension of this along part of the southern boundary. I have not been persuaded that there would be an unacceptable adverse impact on amenity arising from noise from the proposed development. The close board acoustic fence would also preclude any unacceptable adverse impact on adjacent properties from car lights. A lighting plan to cover all external lighting, as proposed by the Appellant, could be required by imposing a condition.

34. Paragraph 4.38 of PPS 7 states that the protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and that it is a particularly important consideration where new development is proposed adjacent to existing properties. Guidance recognises that great care will be needed in designs where new residential development, such as apartments, include living rooms on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties.
35. Paragraph 7.12 of Creating Places indicates that layouts that include apartments facing onto the rear garden spaces of other dwellings should be avoided as, among other things, they can adversely affect privacy. Paragraph 7.17 states that in lower density areas, good practice indicates that a separation distance of around 30m should be observed. It also states that where such development abuts the private garden areas of existing properties, a minimum distance of 15m should be provided between the rear of apartments and the common boundary.
36. The proposed apartment building would stand 16.2m from the common boundary, at its closest point. Notwithstanding this, No.10 Glenpatrick Lawns, which is not shown on the proposed Site Plan, stands 8m from the common boundary at its closest point. Contrary to the guidance in Paragraph 7.12 of Creating Places, four windows in a proposed first floor apartment; three serving the kitchen / dining / living area and the fourth a bedroom, would face onto the rear garden space of No.10. The proposed layout in combination with the layout of No.10 and the separation distance would result in unacceptable overlooking of the rear private amenity space and habitable rooms of No.10, which would have an unacceptable negative impact on privacy and residential amenity.
37. Another of the proposed first floor apartments would have a bedroom window on the southern gable elevation of the proposed building. This would face towards and overlook the rear elevation of No.2 Glenpatrick Lawns, given the north-south orientation of the property. Both its rear private amenity space and the windows of ground floor habitable rooms would be overlooked. Overlooking from a bedroom window cannot be set aside simply because it serves a bedroom. Bedrooms can very often be used at all times of the day, particularly by younger persons and particularly by those living in apartments. The bedroom window in the southern gable elevation of the proposed apartment building, in combination with the minimal separation distance between it and the rear elevation of the existing dwelling would lead to unacceptable overlooking of No.2 and would have an unacceptable impact upon privacy and residential amenity. Accordingly, the Council and Third Parties' objection to the proposed development based upon Criterion (h) of Policy QD 1 are well founded in this respect.

38. The Council and Third Parties' objections to the proposed development based upon Criteria (a), (f), (g), and (h) of Policy QD 1 are well founded. Accordingly, the Council has sustained its first refusal reason based upon Policy QD 1 of PPS 7.
39. As the appeal proposal fails to comply with Policy QD 1 of PPS 7, it follows that it would fail to make a positive contribution to townscape and would not be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Accordingly, the Council has also sustained its third reason for refusal based upon Policy DES 2 of the PSRNI.
40. Policy LC 3 of the Addendum states that favourable consideration will be given to using permeable paving within new residential developments as a means of reducing the risk of flooding associated with surface water run-off. Where appropriate private driveways, patios, paths, and shared hard landscaped surfaces should be built using permeable paving materials. The drawings indicate that the parking areas would be constructed with permeable paving. The Appellant also indicates that he would be willing to provide permeable paving materials within the development in accordance with Policy LC 3 of the Addendum. This could be secured by condition. The Council has failed to sustain its second reason for refusal based upon Policy LC 3 of the Addendum.
41. In addition to their objections outlined above, Third Party Objectors raised a number of other concerns. The existing dwelling may be considered to be an important landmark and of historic interest locally; however it is not listed and there is nothing to preclude its demolition.
42. Communal refuse storage is a regular feature of apartment developments and I have not been persuaded that it would lead to unhygienic conditions giving rise to vermin. Paragraph 6.0 of the proposed Landscape Management Plan outlines a Maintenance Programme to ensure that the external public spaces remain in good visual, safe and hygienic condition. The creation of the Company and its remit could be secured by condition.
43. The necessary visibility splays could be required to be provided and permanently retained by the imposition of a condition. The traffic generated by 7 apartments would make no significant difference to traffic levels on Armagh Road. I have not been persuaded that the proposal should be refused on grounds of road safety or the convenient flow of traffic.
44. Assertions have been made that the proposed development will result in a devaluation of existing properties in the area, however no substantive evidence was provided to this effect. While a covenant required Glenpatrick Lawns to be developed in a specific manner, this is a private matter and not applicable to the appeal site.
45. There is widespread concern that the development of apartments, irrespective of tenure, would have a negative impact on the local residents' safety; however any public order incidents would be a matter for the PSRNI.

46. Assertions have been made with respect to the presence of springs and potential land instability; however no substantive evidence was provided to this effect.
47. For the reasons outlined above, the proposed development fails to comply with Criteria (a), (f), (g), and (h) of Policy QD 1 of PPS 7 and Policy DES 2 of the PSRNI. Accordingly, the Council's first and third reasons for refusal are sustained and are determining. The proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

### **2019/A0159 (Appeal 2)**

#### **Reasons**

48. The main issue in this appeal is whether the development would create a quality residential environment.
49. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) requires regard to be had to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. Section 6 (4) of the Act requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as a LDP. The appeal site is located within the designated settlement development limit for Newry. There are no operational policies material to the proposal in the BNMAP.
50. The regional policy context is provided by the Strategic Planning Policy Statement for NI (SPPS). The transitional arrangements set out in Paragraph 1.10 of the SPPS indicate that until such times as a Plan Strategy for the whole Council area has been adopted, planning authorities will apply existing policy within the retained policy documents together with the SPPS.
51. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.
52. Paragraph 6.133 of the SPPS states that the planning system can play a positive and supportive role in the delivery of homes to meet the full range of housing needs of society. Paragraph 6.137 states that planning authorities must deliver increased housing density without town cramming and points out that all new housing developments should demonstrate a high quality of design, layout and landscaping.
53. The appeal site is located within the designated settlement development limit of Newry; therefore the policy context is provided by Planning Policy Statement 7: Quality Residential Developments (PPS 7). The SPPS identifies this as a retained policy document. Guidance in Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN 8) is also pertinent.



54. This is a non-determination, Section 60 appeal; jurisdiction has passed to the Commission. The Council, by letter to the Commission dated 4 December 2019, indicated that it had no objections in principle to the proposal and recommended approval of outline planning permission based upon LPA Drawing No.01: Site Location Plan, subject to 19 conditions. Third Parties object to the appeal proposal. The Commission must consider any such representations; they are an integral part of the statutory scheme.
55. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that proposals will create a quality and sustainable residential environment. The design and layout are required to be based upon an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
56. Policy QD 2 of PPS 7 requires the submission of a Design Concept Statement to accompany all planning applications for residential development. Paragraph 4.42 of the Justification and Amplification of Policy QD 2 points out that it is considered necessary that such information accompany outline applications to show how the developer will deliver a quality residential development on a particular site, indicating how the design has evolved and providing a clear idea of what is intended for the site without the need for fully detailed plans. The text goes on to state that without this information at outline stage, a satisfactory layout and design that meets acceptable standards cannot be guaranteed.
57. Paragraph 4.44 states that a Design Concept statement is necessary to demonstrate how the proposed scheme has taken account of the main features of the site and its context and how it will meet the criteria set out in Policy QD 1. Paragraph 4.45 states that the Statement should outline in writing the overall design concept and objectives for the site and include an indicative concept plan, based upon the appraisal of the site and its context. Paragraph 4.51 indicates that where outline planning permission is granted for residential development based upon indicative plans, a condition will be imposed requiring that any reserved matters application be based broadly on such plans.
58. The planning history on the appeal site is as follows. A full planning application for 10 no apartments was submitted in October 2017 (1 no 1 bed and 9 no 2 bed apartments). This was subsequently amended to 7 no apartments (1 no 1 bed and 6 no 2 bed apartments). Further layout and design changes were made thereafter with the application for full planning permission seeking approval for 7 no 2 bed apartments in the final instance. On the basis that there appeared to be little progress towards a decision by the Council in respect of the application for full planning permission, and as the non-determination appeal period for that application had lapsed, the Appellant submitted a new application for outline planning permission in August 2019. The non-determination appeal was lodged in November 2019.
59. A Design Concept Statement was submitted in August 2019 with the application for outline planning permission. The drawings comprise a Site Survey; Conceptual Site Layout; Ground and First Floor Plans; Second Floor Plan and Rear Elevation; and Front and Side Elevations. The Conceptual Site Layout drawing is also included in Appendix 5 of the Appellant's Statement of Case. At the Hearing, the

Appellant confirmed that the drawings within the Design Concept Statement are before me.

60. The drawings within the Design Concept Statement accompanying the application for outline planning permission are however identical to those submitted and considered in respect of the application for full planning permission considered under Appeal 1. I have already concluded that the development as shown would be contrary to Criteria (a), (f), (g), and (h) of Policy QD 1 of PPS 7 and Policy DES 2 of the PSRNI.
61. The Council considers the Design Concept Statement to be unacceptable. Nevertheless, in an attempt to get "something on the site that works" and taking the view that "it would be difficult not to allow some residential development", it concluded that the way to move forward was to recommend approval of an outline planning permission for apartment development while imposing "strict conditions". The Council explained that restricting the development by the imposition of strict conditions was necessary to ensure that the development would meet policy and guidance and offer protection to existing residents, particularly in terms of residential amenity. The Third Party Objectors oppose such an approach arguing that having spent a considerable amount of time studying and assessing the proposal put forward in the Design Concept Statement, if that is set aside as proposed by the Council with no information to replace it, they no longer know "what is being proposed or discussed".
62. The Appellant argues that the principle of apartment development on the appeal site has already been established by the Council's approval of full planning permission under LA07/2020/0621/F. He goes on to argue that all issues relating to siting, design, external appearance means of access and landscaping can be determined at reserved matters stage, as referred to in the Council's proposed Condition 2. The Appellant argues specifically that the Council's proposed Conditions No.6 (siting), No.7 (height, scale and massing), No.10 (footprint), No.11 (gable depth), No.12 (only windows serving non habitable rooms on the southern gable) and No.14 (all car parking restricted to the rear) are unnecessary.
63. Significantly, the Appellant claims that issues such as the impact of development on the character of an area and its effect on residential amenity, including overlooking and privacy, are matters to be addressed at reserved matters stage. However, I judge that in order to enable determination of whether a development is acceptable in principle, sufficient information must accompany an outline planning application to show how the developer would deliver a quality residential environment on the particular site.
64. The Appellant argues, for example, that it would be unacceptable to restrict the siting and form of the proposed building when it has been demonstrated that a larger building, as shown in Appendix 5 of the Appellant's Statement of Case, could be accommodated on the site without harm to the amenity of the neighbouring dwellings. However, this is the same conceptual drawing that I have already concluded fails to demonstrate compliance with Policy QD 1 under Appeal 1.
65. Furthermore, in the absence of sufficient information to show how the proposed development has taken account of the main features of the site and its context, it

is impossible to determine whether the Council's proposed "strict" conditions meet the tests for conditions set out in Paragraph 5.65 of the SPPS. Conditions must only be imposed where they are: necessary; relevant to planning; relevant to the development being permitted; precise; enforceable; and reasonable.

66. The Council, for example, proposes to restrict the number of apartments to 4 no indicating that this is based upon the number of apartments that could be provided if the existing dwelling were to be converted into apartments; however that is not what the application relates to. Furthermore, the extant approval on the site allows for 6 no 1 bed apartments. By comparison, the Appellant argues that 7.5 no apartments could be accommodated, based upon the density of the "Ard Brid" apartments. However, that site is not directly comparable with the appeal site.
67. The appropriate scale of development, including number of apartments, must be based on how the proposed development takes account of the main features of the site and its context and how it will meet the criteria set out in Policy QD 1. In the absence of sufficient information, imposing strict conditions in a broad brush manner as a catch-all scenario is unworkable, unacceptable and contrary to Paragraph 5.65 of the SPPS.
68. The Appellant claims repeatedly that the appeal site could accommodate a larger apartment development than that approved while still complying with policy. However, he fails to demonstrate how such a residential environment would be developed. I conclude that without this information at outline stage, a satisfactory layout and design cannot be guaranteed. The Council's proposed imposition of strict conditions does not overcome the deficiency in information. The Third Party Objectors' concerns about the inadequacy of the information submitted are well founded.

### **Fall-back Alternative**

69. Appropriate weight must be given to the extant full planning permission for 6 no 1 bed apartments on the appeal site. In essence the context of the fall-back position is that consideration must be given to what the Appellant could do without any fresh planning permission – ie. "fall-back" on an existing planning permission.
70. There are three important principles in this respect. First, there is no dispute that there is a lawful ability for the Appellant to undertake the development approved under the extant permission, as an alternative to the proposals under consideration. Second, there is no dispute that there is a truly realistic possibility of such development occurring.
71. Third, a comparison must be made between the proposed developments and the fall-back in terms of their respective impacts on the environment. In weighing up the relative environmental impacts of the proposed developments and the "fall-back" position, it must be shown that the former would have less or no more detrimental effect on amenity.
72. The approved apartments would be arranged over two floors within a two storey, dual pitched roofed building, which would be smaller in scale and mass than that proposed under Appeal 1. There would be no habitable room windows to the southern elevation. The expanse of glazing overlooking No.10 would be less. The

amount of car parking to the front of the building would be less. There would be no bin storage to the front of the building. The proposed development of 7 no 2 bedroom apartments in a three storey hipped roof apartment building with front dormer windows, Georgian detailing and habitable room windows in the southern elevation, extensive glazing facing the rear garden of No.10 Glenpatrick Lawns, in combination with unacceptable ancillary development would have a significantly greater and more detrimental effect on amenity than the extant planning permission for 6 no 1 bed apartments.

73. The Appellant claims that the site could accommodate a more intensive apartment development than that allowed under the extant planning permission. He argues that this could include a building of larger scale and mass; a greater number of apartments, some with 2 bedrooms; and windows serving habitable rooms to the southern elevation. However, given the absence of a Design Concept Statement that demonstrates how the proposed apartment development takes account of the main features of the site and its context and how it will meet the criteria set out in Policy QD 1, I have not been persuaded that such a development would have less or no more detrimental effect on amenity than the extant approval.

### **Conclusion**

74. It has not been demonstrated that the proposed developments would have less or no more detrimental effect on amenity than the extant planning permission. Accordingly, for the reasons outlined above Appeal 1 and Appeal 2 are dismissed.

### **2020/A0002 (Appeal 1)**

The decision to dismiss Appeal 1 is based on the following drawings:-

This decision is based on the following drawings, date stamped refused 16/12/2019:-

- LPA Drwg No.01: Site Location Map (Scale 1:1250)
- LPA Drwg No.02: Site Plan (Scale as specified)
- LPA Drwg No.03: Proposed Elevations: Front and Sides (Scale 1:100)
- LPA Drwg No.05: Proposed Second Floor Plan and Rear Elevation (Scale 1:100); and
- LPA Drwg No.04 Rev A: Proposed Ground and First Floor Plans (Scale 1:100), submitted in the Appellant's Statement of Case.

### **2019/A0159 (Appeal 2)**

The decision to dismiss Appeal 2 is based on the following drawing, date stamped received 23 August 2019:-

- LPA Drwg No.01: Site Location Plan (Scale 1:1250)

**COMMISSIONER MCSHANE**

2020/A0002 (Appeal 1)

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**List of Documents**

Appellant:-	"APP 1" Statement of Case and Appendices "APP 2" Rebuttal Statement and Appendices (O'Toole & Starkey, Planning Consultants)
Third Parties:-	"TPO 1" Statement of Case "TPO 1a Rebuttal Statement and Appendix (2 Glenpatrick Lawns)  "TPO 2" Statement of Case "TPO 2a Rebuttal Statement (No. 4 Glenpatrick Lawns and on behalf of Nos.1, 5, 7, 8)  "TPO 3" Statement of Case "TPO 3a Rebuttal Statement (Nos. 6 Glenpatrick Lawns and on behalf of No.3)

2019/A0159 (Appeal 2)

**List of Appearances**

Local Planning Authority:-	Ms P Manley Mr A Davidson (Newry, Mourne and Down District Council)
Appellant:-	Mr R O'Toole (O'Toole and Starkey Planning Consultants)
Third Party Objectors:-	Mr D Smyth Ms B Gallagher Mr J Ellison (representing Mr Conway)

**List of Documents**

Local Planning Authority:-	"LPA 1" Statement of Case and Appendix (Newry, Mourne and Down District Council)
Appellant:-	"APP 1" Statement of Case and Appendices (O'Toole and Starkey Planning Consultants)
Third Party Objectors:-	"TPO 1" Statement of Case (No.2 Glenpatrick Lawns)  "TPO 2" Statement of Case (No.4 Glenpatrick Lawns)  "TPO 3" Statement of Case (No.6 Glenpatrick Lawns)





# Appeal Decision

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<b>Appeal Reference:</b>	2021/A0028
<b>Appeal by:</b>	Mr Michael & Jarleth McCarthy
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Dwelling on a farm with domestic garage
<b>Location:</b>	North-east and adjoining No. 9 Rock Road, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2020/0920/O
<b>Procedure:</b>	Informal Hearing on 15 <sup>th</sup> December 2021
<b>Decision by:</b>	Commissioner B Stevenson, dated 18 <sup>th</sup> February 2022

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant said at the appeal hearing that he was added to his father and brother's farm business since planning permission was refused for the appeal proposal. He submitted evidence from the Department of Agriculture, Environment and Rural Affairs (DAERA) verifying that he was registered to the farm business on 24<sup>th</sup> August 2021. The proposed farm dwelling was refused planning permission on 29<sup>th</sup> March 2021.
3. Given that he joined the farm business after the determination of the application for full planning permission of the appeal proposal, I am satisfied that this evidence could not have been raised prior to the Council having made its decision. I therefore do not accept the Council's view that such evidence is inadmissible under Section 59(1) of the Planning Act (NI) 2011. The evidence provides clarification in this appeal and regard must be had to it. As the Council had the opportunity to comment upon it, no prejudice arises, and it is admitted.

## Reasons

4. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
5. 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, and to any other material considerations. Section 6(4) of the Act states that, where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates

as the LDP for the area wherein the appeal site lies. The appeal site falls within the countryside outside any defined settlement limit in BNMAP. BNMAP offers no policies, proposals or designations material to the appeal proposal.

6. Other material considerations include prevailing regional planning policy. The Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) states that a transitional period will operate until such times as a Plan Strategy has been adopted. During this period, the SPPS retains certain existing policies namely Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). PPS21 provides the relevant policy context together with the SPPS for assessing the appeal.
7. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling on a farm subject to complying with certain criteria in Policy CTY10 of PPS21. The Council accepted that the farm business (Identification Number 612726) was currently active and established for at least six years and that the appeal dwelling would visually cluster with the established group of farm buildings thus satisfying criteria (a) and (c) of Policy CTY10. Their concern related to criterion (b) only.
8. Criterion (b) of Policy CTY10 requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Paragraph 5.40 of the amplification text states that "planning permission will not be granted for a dwelling under this policy where a rural business is artificially divided solely for the purpose of obtaining planning permission or has recently sold-off a development opportunity from the farm such as a replacement dwelling or other building capable of conversion. For the purposes of this policy, "sold-off" will mean any development opportunity disposed of from the farm holding to any other person including a member of the family."
9. Paragraph 6.73 of the SPPS clarifies that "no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application." The policy test is therefore that there should be no dwellings or development opportunities either sold off or *transferred* (my emphasis) from the farm holding within 10 years of the date of the application to any other person including a family member. In this case, the site with planning permission for a replacement dwelling was a development opportunity. The application for planning permission of the appeal proposal was made on 9<sup>th</sup> July 2020. As such, a development opportunity sold off or transferred from the farm holding after 9<sup>th</sup> July 2010 would not accord with criterion (b) of Policy CTY10.
10. The farm business (Identification Number 612726) associated with the appeal site relates to an extensive farm holding that covers around 240 hectares and includes out-lying lands elsewhere. The appeal site is located on the main farm holding where the farm buildings and the farmyard are situated. It is in the second field back from the road towards the south-eastern corner. A replacement dwelling (No. 9) abuts the site to the south-west and a two-storey detached dwelling (No. 9b) is located towards the south-east



11. Full planning permission (LA07/2018/0691F) was granted in August 2018 for the replacement dwelling located in Field 003/1 of the farm maps bearing the farm business identification number (612726). This replacement dwelling is currently occupied by the appellant and his family. The appellant said that his parents transferred the replacement dwelling to him and his wife in 2018 for no financial gain. Notwithstanding that no monies were exchanged between the family members, correspondence from the family solicitor confirms that the replacement dwelling site was transferred to the appellant and his wife. He also told me that he had resided in the former No.9 prior to its replacement. There was no dispute that the original farmhouse (No. 9) had been sold off or transferred from the farm holding. The Council's concerns related solely with the replacement dwelling site.
12. The farm maps indicate that Field 003/1 was identified as part of the farm holding that was registered to the father and brother's farm business at the time of the application for planning permission for the replacement dwelling. Given that the replacement dwelling site was transferred to the appellant in August 2018 and I have no evidence to demonstrate that the appellant was involved in the farm business prior to joining it in August 2021, it must be the case that the replacement dwelling site was transferred from the farm holding to a family member who was not involved in the farm business associated with the farm holding. The recent addition of the appellant to the farm business does not overcome this. I therefore conclude that a development opportunity was disposed of from the farm holding within 10 years of the date of the application for planning permission. Accordingly, the appeal proposal fails to meet criterion (b) of Policy CTY10.
13. No evidence was presented to demonstrate that the appeal proposal would fall into any other development category and would subsequently be considered as acceptable in principle in the countryside under Policy CTY1. Furthermore, no overriding reasons were advanced as to why the proposal would be essential and could not be located in a settlement. I therefore find that the Council's reason for refusal under Policies CTY1 and CTY10 is sustained. The appeal must fail.

This decision is based on Drawing 12391/1 which was received by the Council on 9<sup>th</sup> July 2020.

**COMMISSIONER B STEVENSON**

**List of Appearances**

Planning Authority: -

Mr Eamon McArdle  
Newry, Mourne and Down District Council

Appellant: -

Mr John Young, Collins & Collins Architects  
Mr Michael McCarthy Senior  
Mr Jarlath McCarthy  
Mr Michael McCarthy Junior**List of Documents**

Planning Authority: -

'A' Written Statement of Case

'B' Post-hearing Rebuttal Evidence

Appellant: -

'C' Written Statement of Case

'D' Post-hearing Evidence



# Appeal Decision

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<b>Appeal Reference:</b>	2021/A0032
<b>Appeal by:</b>	Mr Paul Wilson
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	The erection of a replacement dwelling, detached garage and conversion of existing dwelling to stables
<b>Location:</b>	75 Dromore Road, Ballykine Upper, Ballynahinch
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	LA07/2021/0146/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 7 January 2022
<b>Decision by:</b>	The Commission, dated 18 February 2022

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The Commission has considered the report by Commissioner Laura Roddy and accepts her analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the reasons for refusal have been sustained.

**Decision** – the appeal is dismissed.

This decision is based on the following drawings:

Drawing No.	Title	Scale	Received by Council
2045/06A	Rear elevation First floor plan	1:100	19 <sup>th</sup> April 2021
2045/07A	Front elevation Ground floor plan	1:100	19 <sup>th</sup> April 2021
2045/08A	Location Side elevations	1:2500 1:100	19 <sup>th</sup> April 2021
2045/09	Conversion of Dwelling House to Stable (existing and proposed floor plans and elevations)	1:200	25 <sup>th</sup> January 2021
2045/10A	Revised Site Layout	1:500	19 <sup>th</sup> April 2021

**ANDREA KELLS**  
Chief Commissioner

**PLANNING APPEALS COMMISSION**

**THE PLANNING ACT (NORTHERN IRELAND) 2011  
SECTION 58**

**Appeal by**

**Mr Paul Wilson**

**against the refusal of full planning permission for the erection of a replacement dwelling, detached garage and conversion of existing dwelling to stables at 75 Dromore Road, Ballykine Upper, Ballynahinch.**

**Report**

**by**

**Commissioner Laura Roddy**

**Planning Authority Reference: LA07/2021/0146/F**

**Procedure: Written Representations**

**Commissioner's site visit: 7<sup>th</sup> January 2022**

**Report Date: 18<sup>th</sup> February 2022**

## 1.0 **BACKGROUND**

1.1 Newry, Mourne and Down District Council received an application seeking full planning permission on 25<sup>th</sup> January 2021 for 'the erection of replacement dwelling and conversion of existing dwelling to stables'. It was advertised in the local press on 10<sup>th</sup> February 2021. A decision notice dated 17<sup>th</sup> May 2021 refused planning permission citing four reasons for refusal. The Council subsequently removed the fourth reason for refusal related to access. A third bullet point was also removed from the second reason for refusal regarding road safety. The final reasons for refusal are as follows:-

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling to be replaced is considered to be non-listed vernacular and it has not been demonstrated that it is not capable of being made structurally sound and improved.**
2. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that;**
  - **The overall size of the new dwelling would not allow it to integrate into the surrounding landscape and would have a visual impact significantly greater than the existing dwelling.**
  - **The design of the proposed replacement is not appropriate to its rural setting and does not have regard to local distinctiveness.**
3. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be a prominent feature in the landscape, the ancillary works do not integrate with their surroundings and the design of the building is inappropriate for the site and its locality and would be damaging to rural character.**

1.2 The Commission received the appeal on 20<sup>th</sup> May 2021 and advertised it in the local press on 9<sup>th</sup> June 2021. No representations were received from third parties.

## 2.0 **SITE AND SURROUNDINGS**

2.1 The appeal site comprises the existing building, a portion of its curtilage and an agricultural field to the immediate west. The Dromore Road at this point raises to a small crest of a hill with the appeal site sitting slightly below the level of the road. The existing building sits at the crest of the hill with the land in the remainder of the site falling away to the northwest and west.

2.2 The appeal site is triangular in shape. The roadside (southern) boundary is predominantly defined by mature hedgerow with the remainder of this boundary defined by the curtilage of the existing building which comprises a low stone wall with vehicular access. The vehicular access is flanked on either side with capped

stone pillars and an attached iron gate. The eastern boundary of the site is partially defined by the existing building with the remainder being mature hedgerow. The western boundary is currently undefined.

- 2.3 The appeal building sits within a well defined and established curtilage area which extends beyond the appeal site. A group of several outbuildings lie within this area. The building is finished in a rough cast render with a pitched roof of natural slate with three red brick chimney stacks along the ridgeline. It is two storey, linear in form and the gable end faces the road. The front and rear elevations have windows and a door.
- 2.4 There are dispersed roadside dwellings along the Dromore Road and some scattered dwellings in the vicinity. The closest dwelling to the appeal site is approximately 200m to the northeast.

### **3.0 PLANNING AUTHORITY'S CASE**

- 3.1 Section 45(1) of the Planning Act (NI) 2011 requires regard must be had to the local development plan (LDP), so far as material to the application. The LDP is the Ards and Down Area Plan 2015 (ADAP) until such time as a Plan Strategy for the whole of the Council Area has been adopted.
- 3.2 Any conflict between the SPPS and policies retained under the Strategic Planning Policy Statement (SPPS) must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. CTY1 of Planning Policy Statement 21 (PPS21) identifies a range of types of development that are, in principle, acceptable in the countryside. In terms of replacement, the policy is broadly consistent with the policies set out in PPS21 apart from a tightening of policy in relation to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact greater than the existing dwelling. The emphasis has moved from "should" in CTY3 to "must" in the SPPS.
- 3.3 Policy CTY3 of PPS21 favours the retention of non-listed vernacular dwellings in the countryside if the dwelling makes an important contribution to the heritage, appearance or character of the locality. Like CTY3, Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside which is supplementary planning guidance emphasises in paragraph 3.3.2 that the retention and sympathetic refurbishment of non-listed vernacular structures is encouraged, particularly where they make an important contribution to the heritage appearance or character of the locality. Paragraph 5.1.1 emphasises that replacement will only be considered where it is clear the building is not capable of being made structurally sound, due to the general sustainability approach running through PPS21.
- 3.4 The existing building is considered to exhibit all the essential characteristics of a dwelling. Although unoccupied, it is substantially intact and is therefore considered a valid replacement opportunity. However, it is considered to be an example of a non-listed vernacular dwelling and along with the grouping of outbuildings represents a good example of a small cluster or clachan style of development.

- Retention of such a dwelling is encouraged under Policy CTY3 in preference to replacement.
- 3.5 Given its prominent roadside location it is considered the existing dwelling makes an important contribution to the heritage, appearance or character of the area. The dwelling is of considerable age, as evidenced from a map taken from the PRONI website where the dwelling dates from approximately 1832-1846. It is an attractive vernacular building, located directly on Dromore Road and instantly recognisable along this stretch of road to the passer by.
- 3.6 The building appears to be structurally sound and capable of improvement. The agent has sought to argue the building is not structurally sound, being located over a seam of rock rendering it impossible to prevent ingress of moisture or achieve a "U value". Whilst photographs have been provided in support of their arguments, no structural report or other form of evidence was provided in support of the agent's justification. As such, it has not been demonstrated that the subject building is not reasonably capable of being made structurally sound or otherwise improved.
- 3.7 The site layout drawing shows a portion of the existing dwelling would be required to be demolished to achieve visibility splays. Again, the demolition of this building is not acceptable given its non-listed vernacular qualities. The principle of a replacement dwelling would therefore not be acceptable.
- 3.8 The appeal proposal would be a sizeable two storey construction with a two storey garage. The proposal is of a considerable size and scale and revisions were sought to overcome the Council's concerns. Whilst amendments were made, these did not overcome the concerns. The overall size and scale is considered excessive. The proposal would be open to views when travelling along the public road and would result in a visual impact significantly greater than the existing dwelling to be replaced. Therefore, it is considered contrary to Policy CTY3.
- 3.9 Policy CTY13 of PPS21 states 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. It has already been concluded that the proposed dwelling and garage would appear prominent in the landscape owing to its scale. The ancillary works creating an extended curtilage would not integrate into their surroundings. The design of the building would be inappropriate for the site and its locality.
- 3.10 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. Considering views from Dromore Road, the proposed dwelling would appear prominent in the landscape and the ancillary works to extend the curtilage into the adjoining agricultural field to the west and north west would damage rural character. The retention of the existing building as stabling would also add to a build-up of development at this location and is therefore unacceptable in terms of CTY14.
- 3.11 If the appeal is allowed, the following conditions are suggested on a without prejudice basis:

- Time limit;
- Landscaping to be completed prior to occupation. Replacement required within five years to any damaged tree, shrub or hedge;
- Dwelling to be replaced shall no longer be used or adapted for human habitation;
- Site layout showing a safe and suitable access and visibility splays to be submitted prior to commencement;
- Access and sightlines to be provided in accordance with agreed plans.

#### **4.0 APPELLANT'S CASE**

- 4.1 A letter to the planning office dated 16<sup>th</sup> April 2021 explained that the existing building had been altered at some previous date and had been raised from a single storey to a two storey dwelling house so therefore was not "original". The existing building is not constructed as indicated. The substructure and ground to first floor walls are in stone whereas the first floor and opening surrounds are red brick. The structure was built on a rock seam in parts (photograph provided) with no indication that a proper foundation existed elsewhere. The presence of the rock traversing the wall renders the provision of a damp proof course virtually impossible resulting in damp penetration and cold bridging. The resulting outcome would be condensation, mould growth and deterioration of the structure within the property, the spores of which are extremely injurious to health.
- 4.2 Excessive structural cracks are evident throughout the building. Five photographs have been provided and indicate the building is structurally unsound. These include a photograph of an external crack on the northern gable below the chimney, a crack on one window sill, plaster cracked internally adjacent to a window frame and a second internal crack adjacent to a window frame. A photograph is also provided of masonry deterioration. The future of this building in its structurally unsound state is further deterioration and a total eye-sore. Photographs provided indicate the condition of the existing dwelling and clearly show that it would not be reasonably capable of being made structurally sound or otherwise improved. If the existing building is of such importance one wonders why it has been allowed to become so dilapidated.
- 4.3 Evidence of the result of the damp proof is observed by the rot and deterioration of the floors. Photographs provided show a small area of roof deterioration internally, a further area of rot internally and the floor in one room to be completely rotted. The existing roof has reached a stage of beyond repair defectiveness. To attempt to make the dwelling comply with current building regulation standards is nigh impossible. It may be possible to make the structure liveable in but at what cost and risk to the occupants given the potential non-compliance with current standards.
- 4.4 The existing two storey dwelling sits on the road edge on a prominent and dominant location with a visual impact that can be observed from approach in both directions. The proposal entails removing about one third of the building length and reducing the overall height to single storey thus removing the dominant and road side in your face appearance. The proposed replacement is sited at a much lower elevation and much further from the road (some 20m from the road edge).



With a backdrop of mature trees and hedging it would have a lesser visual impact given the floor to ridge height is little different than the existing roadside building.

- 4.5 The proposed dwelling has been designed to present a length of only 12m to the road façade and is broken in its design to minimise any massing impact. Design of the proposal with the vertical emphasis and close coupled pitch roof is akin to the average Ulster farmhouse. The finishes are reminiscent of traditional country houses. Siting the proposal at a lower elevation ensures it would be hidden from sight by the existing retained buildings when approaching from an easterly direction. On approach from the west only glimpses of the new building would be visible again due to the lower position and mature and substantial hedging bounding the applicants land to the west and the existing roadside hedge.
- 4.6 The case officer report stated the proposal is 23m north west of the building to be replaced but there is only 12m between the proposal and the existing cluster of farm dwellings. Siting the proposed dwelling close to the existing cluster of farm buildings ensures the proposal is well integrated into and reads along with the existing farm outbuildings. Combined with the substantial backdrop of vegetation to the east and given the existing buildings are at a higher level all ensure integration of the site is achieved.
- 4.7 The existing curtilage is so restricted as to not enable a replacement to be constructed and safely accessed. It presently has no visibility to the west when existing via the existing gateway and there is no possibility of improving it if the existing building is retained. There is also a blind spot on the roadway. The retention of the current access configuration is dangerous to users of the site and the Dromore Road. To replace within the curtilage is therefore not practical. However, the submitted drawing indicates the repositioned access has visibility splays in both directions in compliance with DFI Roads requirements. The provision of a safe access would achieve a betterment situation for the occupants and other road users and this is all achievable within the lands controlled.
- 4.8 The rural area of Ballykine Upper is primarily made up of traditional farms and small holdings and the holding at 75 Dromore Road has been somewhat neglected over many years. The applicant intends to rejuvenate this holding into a working farm holding with eventually upgrading and maintaining the existing outbuildings and thus requires a family home with modern accommodation and facilities
- 4.9 The reduction of the existing building to single storey and the removal of approximately one third to provide a safe access would negate the prominent roadside appearance whilst providing a safe access and egress. The proposed dwelling and the retained buildings would read as a cluster with the established farm thus causing no detriment to the local farming locality and reiterating the general landscape within the County Down rural area.

## 5.0 CONSIDERATION

5.1 The main issues in this appeal are:

- Whether the appeal proposal is acceptable in principle in the countryside;
- Whether it would visually integrate into the surrounding landscape, and
- Whether it would cause a detrimental impact to the rural character of the area.

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

5.3 The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan for the area within which the appeal site is located. Newry, Mourne and Down District Council has not, as yet, adopted a Plan Strategy for the district. The plan locates the appeal site outside any defined settlement limit and in the countryside. In relation to countryside development, the ADAP states that Planning Policy Statement 21 (PPS21) will take precedence over its provisions. The ADAP contains no other policies pertinent to the appeal proposal.

5.4 The provision of regional policy as set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. The SPPS sets out the transitional arrangements that will apply until a local authority has adopted a Plan Strategy for its council area. The SPPS also retains certain existing Planning Policy Statements (PPSs). This includes PPS21 and Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside (BoT). The latter is supplementary planning guidance which is also a material consideration in this appeal.

5.5 There is generally no conflict between the provisions of the SPPS and those of retained policy regarding issues relevant to this appeal. In accordance with the transitional arrangements set out in the SPPS, the appeal should therefore be determined in accordance with the retained policies of PPS21, as clarified by the SPPS.

5.6 Policy CTY1 of PPS21 indicates that there are a range of types of development which are, in principle, acceptable in the countryside. It states that planning permission will be granted for an individual dwelling house in six specified cases. One of these is a replacement dwelling in accordance with Policy CTY3 'Replacement Dwellings'.

5.7 Policy CTY3 of PPS21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. There is agreement between the parties that these aspects of the policy are satisfied.

- 5.8 Policy CTY3 goes on to say that the retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows: If the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- 5.9 Annex 2 of PPS21 'Vernacular Buildings' sets out the primary and secondary characteristics of vernacular buildings. BoT at paragraph 3.3.2 states that aspects of the setting of these buildings including hedgerows, trees and boundary walls are also integral to the contribution these buildings make to the character and appearance of local landscapes.
- 5.10 The Council considers the building to be a non-listed vernacular dwelling which makes an important contribution to the heritage, appearance or character of the locality. The appellant argued that as a second storey has been added the dwelling is not "original". I take this to mean that he considers it is not a vernacular building.
- 5.11 Whilst I have no evidence regarding the appearance of the dwelling when it was first constructed, from my observations I consider the extent of red brick on the first floor is an indication that this was a later addition. Appendix 2 of PPS21 recognises that one of the primary characteristics of vernacular buildings is extensions comprising an extra storey. As this is a primary characteristic of vernacular buildings I find this alteration lends support to the building being vernacular. In assessing whether the dwelling is vernacular I also find the following to be significant. The PRONI first edition map (1832-1846) submitted by the Council shows a linear building and several outbuildings within a largely similar and well defined curtilage. The dwelling on site today has a similar footprint and is of linear plan form. This suggests to me that the two are the same. The dwelling is single room deep (less than 6m in depth) with the gable end facing the road. Each floor has three separate rooms. Openings are on the front and back walls only, the rear windows lack symmetry and the chimneys are expressed along the ridgeline. For all of these reasons, I am satisfied that the existing building exhibits the characteristics of a vernacular dwelling. It therefore falls to be considered as a non-listed vernacular dwelling for the purposes of Policy CTY3 of PPS21.
- 5.12 The subject dwelling sits in a prominent roadside location on the crest of a hill. It has a backdrop of mature vegetation to the north and is somewhat screened by mature hedgerows and trees along the roadside. The dwelling integrates well into the landscape. Owing to its age, position, height, how it integrates into the landscape and its original stone boundary wall and outbuildings which sit within its curtilage I find the dwelling makes an important contribution to the heritage, appearance and character of the locality.
- 5.13 The appeal proposal includes the conversion of the existing dwelling to stables. This would involve the removal of the first floor and approximately one third of the ground floor. The adaptation of the dwelling would go beyond the policy requirement that seeks to retain such dwellings. The extent of the works proposed

would compromise the integrity of the dwelling. The main arguments presented by the appellant in support of replacing the dwelling are:

- There is no evidence of proper foundations;
- The dwelling was built on a rock seam in part;
- The rock seam would prevent the provision of a damp proof course resulting in damp and cold;
- The lack of a damp proof course would result in condensation, mould and spores which are injurious to public health;
- Damp has caused deterioration within the roof and floors;
- Excessive structural cracks are throughout the building;
- Roof has reached a stage of beyond repair defectiveness;
- It is not possible to repair the building to current building legislation standards, and
- Whilst it may be possible to make the structure liveable in, at what cost and risk to occupiers.

5.14 The appellant submitted photographic evidence in support of his case. These show some cracks within the external render, window sill and internal plasterwork. Some masonry deterioration and rotting timber is also evident. However, the dwelling remains generally intact despite the aforementioned damage. Whilst there is evidence of rot internally, this appears to be a result of the building being allowed to fall into disrepair and not necessarily due to the presence of the rock seam or lack of damp proof course. No substantive evidence was submitted to address this point. The test in Policy CTY3 requires that where the dwelling "is not reasonably capable of *being made* structurally sound or otherwise improved" (my emphasis) it is unlikely to satisfy the policy. I note the Appellant's submission that "it *may be possible* to make the structure liveable". I take this to mean that the dwelling could be made structurally sound or otherwise improved but at a cost. There is nothing in the photographs, or observed on site, to persuade me that the cracks, rotting timbers or deterioration in the masonry represent a building that is not reasonably capable of being made structurally sound or could otherwise be improved.

5.15 Given my conclusions above and in the absence of more substantive evidence, such as a structural engineering assessment as advocated by BoT, I can only conclude that the existing dwelling is reasonably capable of being made structurally sound or otherwise improved. No persuasive evidence has been provided to demonstrate that the required improvements could not be realised. The appeal proposal would therefore offend this part of Policy CTY3 of PPS21.

5.16 All replacement dwelling cases are also required by Policy CTY3 to meet five additional criteria. The Council has raised objections that the appeal proposal does not meet the second and third criteria of Policy CTY3.

5.17 The second criterion of Policy CTY3 of PPS21 requires "the overall size of the new dwelling should allow it to integrate into the landscape and would not have a visual impact significantly greater than the existing building". The Council argue that the SPPS tightens policy stating "replacement dwellings must not have a visual impact significantly greater than the existing building" as opposed to "would not have"

used within PPS21 Policy CTY3. I agree with the Council that this represents a tightening of policy in relation to the visual impact test within the second criterion. The SPPS makes it clear that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

- 5.18 In relation to size, the existing dwelling is approximately 5.5m gable depth with a front elevation of 15m and a ridge height of approximately 7.6m. It sits within a well-defined and established curtilage. Although prominent, it fits well within and appears as part of the mature local landscape. It is a recognisable feature in the area.
- 5.19 The proposed dwelling would have a 21.5m front elevation, 8.4m ridge height and gable depth of 12.5m with various projections (extending to almost 17m) and an associated garage would be 6.6m wide with a ridge height 8.4m. Some existing roadside vegetation requires to be removed to facilitate the proposed access. This combined with the appellant's intentions to remove the first floor of the existing building would open up views into the site. Notwithstanding the existing and proposed landscaping, a dwelling of the size and scale proposed would appear as a prominent feature within the landscape. Although the proposed two storey dwelling would be set back from the road and on lower ground than the existing dwelling, by virtue of its size, scale and massing it would fail to satisfactorily integrate into the landscape. For the same reasons, it would have a significantly greater visual impact than the existing dwelling and fails to meet the requirements of the second criterion of Policy CTY3 of PPS21.
- 5.20 The third criterion of Policy CTY3 of PPS21 requires the design of the replacement dwelling to be of a high quality appropriate to its rural setting and have regard to local distinctiveness. BoT notes that replacement projects will tend to be most successful where they defer to the form and shape of the building they are replacing. The proposed dwelling would have a pitched roof, a vertical emphasis and would use appropriate materials such as render and blue grey roof slates. However, the overall design and built form of the proposed development including its projections of various sizes would add to the bulk of the proposal. Furthermore a two storey porch and a balcony to the front would be inappropriate in this rural setting. Its positioning in relation to the retained buildings does not reduce its impact. It would therefore fail to comply with the third criterion of Policy CTY3.
- 5.21 As the appeal proposal would offend Policy CTY3 of PPS21 in relation to its requirements for non-listed vernacular dwellings, and would also fail to meet the second and third criteria of the policy for all replacement dwellings, it would not be acceptable in principle in the countryside. Therefore it would also fail to meet the requirements of Policy CTY1 of PPS21. The Council has sustained its first and second reasons of refusal.
- 5.22 Policy CTY13 'Integration and Design of Buildings in the Countryside' 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. It states that a new building will be unacceptable in seven circumstances. The Council have raised concerns regarding three criteria. This relates to criterion (a) in that the building being a prominent feature in the landscape, criterion (d) in

that the ancillary works to create the extended curtilage would not integrate into the surroundings and criterion (e) in that the design of the building is inappropriate in its rural context.

- 5.23 I have already found that the appeal proposal would be a prominent feature in the landscape and the design to be inappropriate for its rural location. I therefore find that the proposal fails to comply with Policy CTY13 criteria (a) and (e). The proposed dwelling will require the field to be divided to provide a curtilage for the new dwelling. The proposed new curtilage would be significantly larger than the curtilage of the existing dwelling. The works to extend the curtilage solely involve landscaping to create the western boundary; the nature and scale of which I consider to be acceptable in a countryside location. Therefore, I consider the ancillary works to create the new curtilage will integrate with the surroundings. The proposal is therefore compliant with Policy CTY13 criterion (d).
- 5.24 Policy CTY14 'Rural Character' 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 character of the area. Five circumstances are listed where a new building will be unacceptable. The Council have raised concerns under criterion (a) in that it would be unduly prominent in the landscape, criterion (e) in that the impact of ancillary works would damage rural character and because a build-up of development would occur as a result of the retention of the existing building, I take this to mean criterion (b). For the reasons given I find the appeal proposal would be unduly prominent in the landscape and therefore it fails to comply with Policy CTY14 criterion (a). As I have found the ancillary works to be acceptable, the appeal proposal complies with Policy CTY14 criterion (e).
- 5.25 Policy CTY14 criterion (b) states that a new building will be unacceptable where it results in a sub-urban style build-up of development when viewed with existing and approved buildings. The retention of the existing dwelling with the proposed adaptations would result in an increase in the number of buildings overall. However, the size of the building would be reduced considerably. Further there are no other buildings in the immediate vicinity that would be seen in conjunction with the appeal proposal. As the appeal proposal would appear as an isolated group of buildings, I do not consider this would result in a suburban style of build-up. The Council have not sustained their objection based on criterion (b) of Policy CTY14.
- 5.26 Given the conclusions above I consider the proposal to be contrary to Policies CTY13 and CTY14 of PPS21 to the extent specified and therefore the Council has sustained its third reason for refusal.
- 5.27 The appellant has intentions to rejuvenate his farm holding in this location by upgrading and maintaining the existing outbuildings. On this basis he contends there is a requirement for a family home with modern accommodation and facilities. No firm plans have been presented in relation to this. These future intentions are not sufficient to set aside the policy requirements of Policy CTY3 of PPS21.
- 5.28 The appellant also argued that the appeal proposal would result in betterment in terms of access and that this would warrant the approval of the appeal proposal.

The proposed access requires the removal of a third of the existing dwelling. As I have found this to be a non-listed vernacular dwelling which makes an importance contribution to the heritage, appearance and character of the locality, I do not consider the removal of a significant portion of the dwelling to be acceptable. I am not persuaded that the access benefits are of sufficient weight to set aside the requirements of Policy CTY3 of PPS21.

- 5.29 The appeal proposal involves the replacement of a non-listed vernacular dwelling which makes an importance contribution to the heritage, appearance and character of the locality and no persuasive evidence has been presented that the existing dwelling cannot be made structurally sound or otherwise improved. The proposed replacement dwelling would have a significantly greater visual impact in the landscape than the existing dwelling. The appeal proposal is therefore contrary to Policy CTY3 of PPS21. As I have found the proposed dwelling would be a prominent feature in the landscape and of inappropriate design the proposal is considered to be contrary to Policies CTY13 and CTY14 of PPS21 and the appeal must fail.

## 6.0 RECOMMENDATION

- 6.1 As I find the Council have sustained all three reasons for refusal, I recommend to the Commission that the appeal is dismissed.
- 6.2 This recommendation relates to the following drawings:-

Drawing No.	Title	Scale	Received by Council
2045/06A	Rear elevation First floor plan	1:100	19 <sup>th</sup> April 2021
2045/07A	Front elevation Ground floor plan	1:100	19 <sup>th</sup> April 2021
2045/08A	Location Side elevations	1:2500 1:100	19 <sup>th</sup> April 2021
2045/09	Conversion of Dwelling House to Stable (existing and proposed floor plans and elevations)	1:200	25 <sup>th</sup> January 2021
2045/10A	Revised Site Layout	1:500	19 <sup>th</sup> April 2021

**COMMISSIONER LAURA RODDY**

**List of Documents**

Planning Authority:-

"A1" Statement of Case by Newry, Mourne and Down District Council

Appellant:-

"B1" Statement of Case by G.T. Design on behalf of Mr P Wilson

"B2" Rebuttal comments by G.T. Design on behalf of Mr P Wilson