



December 11th, 2023

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 13th December 2023 at 10:00 am** in .

**Committee Membership 2023-2024:**

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

# Agenda

## 1.0 Apologies

## 2.0 Declarations of Interest

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

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### *Minutes for Adoption*

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## 4.0 Minutes of Planning Committee held on 15 November 2023

 [Planning\\_Committee\\_Minutes\\_2023-11-15.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

 [Addendum list - 13-12-2023.pdf](#)

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

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## 6.0 LA07/2020/1774/F - Lands adjacent and North West of 1 Bryansford Village, Ballyhafry, Newcastle - Proposed extension to existing caravan park (Bryansford Caravan Park) comprising 74 static sites, amenity building, children's play area and playing field, landscaping, new access, entrance feature walls and associated ancillary infrastructure.(Amended proposal)


APPROVAL

 [LA07.2020.1774.F.pdf](#)

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## 7.0 LA07/2022/0086/O - Lands approximately 20m South of Unit 2A Loughway Business Park, Newry, BT35 6QH. Proposed site for business/industrial/storage units (Use Classes B1/B2/B3/B4)

APPROVAL


 [LA07.2022.0086.O.pdf](#)

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## **8.0 LA07/2022/1757/F - 5 Ballymaderfy Road, Kilkeel - Erect replacement dwelling and detached garage**


APPROVAL

 [LA07.2022.1757.F.pdf](#)

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## **9.0 LA07/2022/0282/O - 41 Moss Road Ballynahinch - Proposed Site 3no. 2 Storey Detached Dwellings and Garages**

APPROVAL


 [LA07.2022.0282.O.pdf](#)

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## **10.0 LA07/2022/0682/F - Lands adjacent to Dufferin Avenue approx. 300m north of 9 Castleward Road Strangford - Glamping Village, comprising 6no self catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works.**

APPROVAL

A request for speaking rights has been requested in objection to the above decision for DAERA MFD staff members - Mark Conn, Liz Pothanikat, Abigail Kilgore and Niamh McDermott

 [LA07.2022.0682.F.pdf](#)


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 [Item 10 - LA07.2022.0682.F.pdf](#)

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## **11.0 LA07/2023/3229/F - 55 Windmill Street, Ballynahinch - Internal refurbishment as well as alterations to main entrance. Roof replacement and additional car parking.**


APPROVAL

 [LA07.2023.3229.F.pdf](#)

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## **12.0 R/2014/0471/F - Approx 180m North of 11 Moneylane Rd, Dundrum - Proposed 250kw wind turbine with hub height of 40m**

REFUSAL

 [R.2014.0471.F.pdf](#)

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**13.0 LA07/2020/1889/F - Land 71m south west of 61 Killough Road Tullycarnan Ardglass - Proposed site for up to 6 No 4star glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and ancillary structure to service pods.**

**REFUSAL**

A request for speaking rights has been received from Ryan Clarke (agent), in support of the application.

 [LA07.2020.1889.F.pdf](#)

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 [LA07-2020-1889-F Written Statement - 13 12 2023 Ryan Clarke.pdf](#)

*Page 147*


**14.0 LA07/2022/1809/F - Between 10 and 10A Islandmoyle Road, Islandmoyle, Cabra - Proposed dwelling and garage on infill site**

**REFUSAL**

A request for speaking rights has been requested by Declan Rooney (agent), Marian Hegarty (applicant) and Martin Bailie (architect) in support of the application.

 [LA07.2022.1809.F.pdf](#)

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 [LA07-2022-1809-F.pdf](#)

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**15.0 LA07/2023/2939/O - 32 Cabra Road, Islandmoyle, Rathfriland - Infill Dwelling**

**REFUSAL**

A request for speaking rights has been requested by Colin Dalton (agent) and Ciaran McGreevy (applicant) in support of the application.

 [LA07.2023.2939.O.pdf](#)

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 [LA07.2023.2939.O.pdf](#)

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**16.0 LA07/2022/1269/F - 20 Newry road, Hilltown, Newry, BT24 5TG - Proposed Agricultural storage shed for storage of agricultural machinery and farm implements**

**REFUSAL**

A request for speakers rights has been received from Cormac McKay in objection to the decision.



 <b>LA07.2022.1269.f.pdf</b>	<b>Page 172</b>
 <b>Item 16 - LA07.2022.1269.F.pdf</b>	<b>Page 184</b>
 <b>Item 16 - LA07.2022.1269.F (2).pdf</b>	<b>Page 186</b>
 <b>Item 16 - LA07.2022.1269.F (3).pdf</b>	<b>Page 187</b>
 <b>Item 16 - LA07.2022.1269.F (4).pdf</b>	<b>Page 196</b>
 <b>Item 16 - LA07.2022.1269.F (5).pdf</b>	<b>Page 197</b>

## **17.0 LA07/2022/1811/F - Lands Between 21 and 29 Newtown Road, Newtown, Rostrevor, Down, BT34 3BZ - Proposed 2no. infill dwellings with associated garages.**

### **REFUSAL**

Speaking rights have been requested for Jim Maneely (agent) & Eamonn Loughrey (planning consultant) in support of the application.

 <b>LA07.2022.1811.F.pdf</b>	<b>Page 200</b>
 <b>LA07-2022-1811-F - Prepared Statement.pdf</b>	<b>Page 217</b>

## **18.0 LA07/2021/1479/F -Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works**

### **REFUSAL**


A request for speaking rights has been requested by Colin O'Callaghan (agent) and Donna Lyle (Senior Planning Consultant) in support of the application.

 <b>LA07.2021.1479.F.pdf</b>	<b>Page 219</b>
 <b>LA07 2021 1479 Filling Station Speaking Notes D2 DM.pdf</b>	<b>Page 230</b>


## **19.0 LA07/2023/2284/F - Between 71 & 73 Newtown Road, Sturgan, Camlough, Armagh, BT35 7JJ - 2no. infill dwellings and associated garages**

### **REFUSAL**

Speaking rights have been requested for Barney Dinsmore (agent) in support of the application.

 **LA07.2023.2284.F.pdf**

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 **LA07.2023.2284.F - agent submission.pdf**

**Page 238**

## **20.0 LA07/2023/2325/O - Lands approximately 30m SE of 31 Ballynamona Road, Newry - Erection of dwelling and garage**

### **REFUSAL**

Speaking rights have been requested for Colin O'Callaghan (agent) in support of the application.

 **LA07.2023.2325.O.pdf**

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 **LA07 2023 2325 F Kilgallon Speaking Notes D1.pdf**

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### ***For Noting***

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## **21.0 Historic Action Sheet**

Historic Action Sheet attached

 **Planning HISTORIC TRACKING SHEET - Updated November 2023.pdf**

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**NEWRY MOURNE AND DOWN DISTRICT COUNCIL**

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 15<sup>th</sup> November 2023 at 10.00am in the Boardroom Council Offices, Monaghan Row, Newry**

**Chairperson:** Councillor D Murphy

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

Councillor P Byrne  
Councillor P Campbell  
Councillor C Enright  
Councillor A Finnegan  
Councillor G Hanna  
Councillor M Larkin  
Councillor C King  
Councillor S Murphy  
Councillor M Rice  
Councillor J Tinnelly **(Deputy Chairperson)**

**(Officials)**

Mr J McGilly	Assistant Director of Regeneration
Mr Pat Rooney	Principal Planning Officer
Mr Peter Rooney	Legal Advisor
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Ms G McEwen	Senior Environmental Health Officer
Ms S Taggart	Democratic Services Manager
Ms S Kieran	Democratic Services Officer

**P/077/2023: APOLOGIES AND CHAIRPERSON'S REMARKS**

The following apology was received:

- Councillor D McAteer

**P/078/2023: DECLARATIONS OF INTEREST**

No declarations of interest.

**P/079/2023: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

There were no declarations.

**MINUTES FOR CONFIRMATION**

**P/080/2023: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 18 OCTOBER 2023**

**Read:** Minutes of Planning Committee Meeting held on Wednesday 18 October 2023. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Larkin, seconded by Councillor Enright, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 18 October 2023 as a true and accurate record.**

**P/081/2023: MINUTES OF SPECIAL PLANNING COMMITTEE MEETING HELD ON 26 OCTOBER 2023**

**Read:** Minutes of Special Planning Committee Meeting held on Wednesday 26 October 2023. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Larkin, seconded by Councillor Enright, it was agreed to adopt the Minutes of the Special Planning Committee Meeting held on Wednesday 26 October 2023 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/082/2023: ADDENDUM LIST**

**Read:** Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 18 October 2023. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Campbell, seconded by Councillor S Murphy, it was agreed to approve the Officer recommendation in respect of the following applications**

**listed on the Addendum List for Wednesday 15 November 2023:**

- **P/2007/0422/F** - Erection of Residential Development with Access off Dublin Road, parking provision (part underground), associated site works and landscaping (revised scheme for 44 No. apartments (in two 4-storey blocks of 22 apartments) and 1 No. detached dwelling with individual access of Dublin Road, with demolition of the existing dwellings at Nos. 97 and 99 Dublin Road) - Nos.97 and 99 Dublin Road, Newry (extending to lands to the north (rear) of Nos. 1-8 Riverdale House, off Heslip's Lane)  
**APPROVAL**
- **LA07/2021/0132/F** - Proposed new campsite, ancillary buildings and associated works – Killyleagh Outdoor Centre, Shore Road, Killyleagh  
**APPROVAL**
- **LA07/2023/0903/F** – Erection of 1 No. 2 storey detached residential dwelling – adjacent and immediately south of 45 Park View, Cloughoge, Newry.  
**APPROVAL**
- **LA07/2021/2056/F** - Erection of 18 no. dwellings with 15 no. detached garages and 3 no. garden rooms – Lands approximately 38m east of no. 22 Seafield, Warrenpoint  
**APPROVAL**
- **LA07/2022/1474/F** - Additional trail networks comprising of 0.9 hectares of new basalt surface (as per existing trails) with associated wayfinding, signage, interpretation panels, benches and bins – Delamont Country Park, Downpatrick Road, Killyleagh.  
**APPROVAL**

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

**P/082/2023: PLANNING APPLICATIONS FOR DETERMINATION**

**(1) LA07/2019/1302/F**

**Location:**

To the rear of no's 65-69 South Promenade, Newcastle

**Proposal:**

Full planning permission, provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space.

**Conclusion and Recommendation from Planning Official:**

Refusal:

**Power-point Presentation:**

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

Ms McAlarney said the application had been before Committee in February and August 2020 and Members had visited the site.

**Speaking rights:**In Objection

Mr Kieran Fitzpatrick, resident of 63 South Promenade, Newcastle gave a presentation in relation to his concerns relating to full planning permission to the rear of no's 65-69 South Promenade, Newcastle. Mr Fitzpatrick said his major concern was the access from the private laneway onto the busy South Promenade. He said due to parking demands along the stretch of the promenade combined with a limited splay width at the entrance to his driveway, negotiating a safe exit can be treacherous.

Mr Fitzpatrick stated the latest layout submitted by the applicant's agent to increase sight lines and improve visibility for drivers when exiting the laneway is not satisfactory. He said in November 2020 the applicant's agent had proposed to introduce double yellow lines alongside proposed kerbing to assist with both improving visibility and control parking. He said if double yellow lines were introduced this would significantly reduce the risk to both drivers and pedestrians on this busy stretch of road, by ensuring sight lines are clear from on-road vehicular obstructions.

In support

Mr Declan Rooney, Agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Rooney outlined the background to the application and confirmed the applicant had been able to achieve adequate visibility splays onto South Promenade, and DFI Roads had returned no objections. He said the current proposal was similar to current schemes at this location.

Ms Roseanne Ireland, applicant spoke in support of her application and said if she was awarded planning permission it would mean she could care for her mother whose health had deteriorated.

After extensive debate and discussion, Councillor Hanna proposed and Councillor Rice seconded to issue an approval in respect of Planning Application LA07/2019/1302/F, contrary to Officer recommendation, on the basis that the proposed dwelling will not

be out of character with what is already along King Street and the South Promenade. The application complies with Strategic Planning Policy Statement and criteria A, C and F of Policy QD1 of PPS7. The residential environment and mandatory space is sufficient and the access to the road will be greatly improved when all the conditions that are in place are carried out before building commences as follows:

- **Access arrangements to include sight splay of 2.0 x 60m footway along the frontage of Ireland's shop and extended to Macken's Bar minimum of 2m, Kerbing and build out.**
- **Removal of Wall at Macken's Bar in full**
- **Existing telegraph poles to be set back behind visual splays.**

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

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Rice it was agreed to issue an approval in respect of planning application LA07/2019/1302/F contrary to officer recommendation, on the basis that the proposed development will fit into the character and topography of the site and road safety will be greatly enhanced when all stipulations are completed.

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

## **(2) LA07/2023/2466/F (CLOSED SESSION)**

The Chairperson, Councillor Declan Murphy advised it would be necessary to go into closed session for this application as some of the issues to be raised were personal to the applicant.

**Agreed:** On the proposal of Councillor Burns, seconded by Councillor Campbell, it was agreed to exclude the public and press from the meeting during discussion on the following Planning Application:



**LA07/2023/2466/F**

**Location:**

30 Carnmeen Road, Mayobridge

**Proposal:**

This is a Section 54 application for the removal of condition 7 of planning approval LA07/2022/1106/0 'The proposed dwelling and garage shall be sited in the area shaded brown on the approved plan 12610 Doyle Rev 1'

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

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

**Speaking rights:**

In support

Mr Declan Rooney, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee members.

**On the proposal of Councillor Hanna, seconded by Councillor Larkin, 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:

**AGREED:                    On the proposal of Councillor Larkin, seconded by Councillor Byrne it was agreed to issue a refusal in respect of Planning Application LA07/2023/2466/F as per recommendation contained in the Case Officer Report.**

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

**AGREED:                    On the proposal of Councillor Larkin, seconded by Councillor Byrne it was agreed to issue a refusal in respect of Planning Application LA07/2023/2466/F as per recommendation contained in the Case Officer Report.**



**(3) LA07/2022/1776/F**

**Location:**

Site between 4 Tullymurry Road and 1 Tullymurry Cottages, Newry.

**Proposal:**

Proposed infill development for 2 No. two storey dwellings with detached garages.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

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

He said Environmental Health had requested a noise impact assessment to consider the potential sound which may be generated from the nearby commercial premises (approved under LA07/2018/1086/F). He said the proposed location of the 2 houses is too close to the already approved development which consists of a conference centre and wedding venue.

**Speaking rights:**

In support

Mr Rory Pepper, Agent, presented in support of the application, detailing, and expanding upon a written statement that had been circulated to Committee Members.

Mr Pepper said the site was assessed by an acoustic consultant, Rey Gaston, FR Marks and he found there would only be a 6dB level increase between 1 Tullymurry Cottages and the proposed nearest infill dwelling should the wedding venue go ahead.

In support

Councillor David Taylor, presented in support of the application, detailing, and expanding upon a written statement that had been circulated to Committee Members.

Councillor Taylor said as part of the approval for the wedding venue at Tullymurry House, noise-reducing infrastructure had been included such as an acoustic barrier/fence, a double lobby arrangement to the venue and additional insulation to the roof. He confirmed that there will be a lot of screening between the approved entertainments venue and the proposed site including a retained red barn on the site of Tullymurry House, an existing mature hedge, a proposed secondary hedge, an acoustic fence and proposed trees.

After extensive debate and discussion, Councillor Hanna proposed and Councillor D Murphy seconded to issue an approval in respect of Planning application LA07/2022/1776/F contrary to officer recommendation, on the basis that the proposals for the dwellings was done in accordance with the recommendations of the acoustic consultant and they would adequately mitigate any increased noise adversely impacting the proposed dwellings.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of Planning Application LA07/2022/1776/F contrary to officer recommendation, on the basis that the application will put adequate measures in place as recommended by the Acoustic Consultant.

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

**P/082/2023: HISTORIC ACTION SHEET**

Read: Historic Action Sheet. **(Copy circulated)**

**AGREED:** On the proposal of Councillor Byrne, seconded by Councillor Campbell it was agreed to not the Historic Action Sheet.

**There being no further business the meeting ended at 12.02 pm**

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**

## Item 5 – Addendum List

### **Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 13 December 2023**

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

- **LA07/2020/1774/F** - Lands adjacent and North West of 1 Bryansford Village, Ballyhafry, Newcastle - Proposed extension to existing caravan park (Bryansford Caravan Park) comprising 74 static sites, amenity building, children's play area and playing field, landscaping, new access, entrance feature walls and associated ancillary infrastructure.(Amended proposal)  
**APPROVAL**
- **LA07/2022/0086/O** - Lands approximately 20m South of Unit 2A Loughway Business Park, Newry, BT35 6QH. Proposed site for business/industrial/storage units (Use Classes B1/B2/B3/B4)  
**APPROVAL**
- **LA07/2022/1757/F** – 5 Ballymaderfy Road, Kilkeel - Erect replacement dwelling and detached garage  
**APPROVAL**
- **LA07/2022/0282/O** - 41 Moss Road Ballynahinch - Proposed Site 3no. 2 Storey Detached Dwellings and Garages  
**APPROVAL**
- **LA07/2023/3229/F** - 55 Windmill Street, Ballynahinch - Internal refurbishment as well as alterations to main entrance. Roof replacement and additional car parking.  
**APPROVAL**
- **R/2014/0471/F** – Approx 180m North of 11 Moneylane Rd, Dundrum – Proposed 250kw wind turbine with hub height of 40m  
**REFUSAL**

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Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/1774/F

**Date Received:** 23.11.20

**Proposal:** Proposed extension to existing caravan park (Bryansford Caravan Park) comprising 74 static sites, amenity building, children's play area and playing field, landscaping, new access, entrance feature walls and associated ancillary infrastructure.(Amended proposal)

**Location:** Lands adjacent and north west of 1 Bryansford Village, Ballyhafry, Newcastle

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

The site is located to the NW of the existing settlement of Bryansford. The site is accessed from the Bryansford Rd. The SE portion of the site is an existing holiday park comprising of approximately 111 static caravans with ancillary communally used buildings, play park and barrier access.

Lands where current development proposals are proposed is currently agricultural land located to the NW and NE of the current holiday park. The topography of the land is relatively flat adjacent and NW of the site with remaining lands fall gently away to the NW and NE of the site. The remaining lands comprise of 5 parcels of

land which are enclosed with existing vegetative boundaries of a mix of hedge and trees, with an extensive area of planted trees to the NW portion of the site.

The site is located outside the development limits of Bryansford within the open countryside within the AONB and area of Mineral Constraint as identified by the Ards and Down Area Plan 2015.

### Application Site and Aerial View:



### Relevant Site History:



R/1993/0475 - Shop, Toilets, Washroom & Store. Granted



R/1988/0694 Alterations to caravan layout and provision of 14 additional caravan sites. Granted



R/1982/0117 - Siting of additional caravans and landscaping. Granted





R/1981/0552 – Extension to Caravan park. Refused.

- Detrimental to visual amenity of AONB
- Prominent in the landscape



R/1973/0269 – Extension of existing caravan park. Granted.

### Planning Policies & Material Considerations:

- o Regional Development Strategy 2035 (RDS)
- o The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- o The Ards and Down Area Plan 2015
- o PPS 2 - Natural Heritage
- o PPS 3 - Access, Movement and Parking
- o PPS6 - Planning, Archaeology and the Built Heritage
- o PPS15 (Revised) – Planning and Flood Risk
- o PPS16 - Tourism
- o PPS 21 - Sustainable Development in the Countryside
- o DCAN 10 (Revised) Environmental Impact Assessment
- o DCAN15 – Vehicular Access Standard
- o DOE Parking Standards

### Consultations:

**SES (28.09.22)** - Having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. Conditions to apply.

**NIEA NED (08.08.22)** - No concerns subject to conditions.

**Roads (23.05.22)** – No objection

**NIEA Water Man (05.08.21)** - Considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. (See remarks regarding sewage disposal).

Should this application be approved Water Management Unit recommend application of conditions.

**Rivers Agency (13.03.21):**

**FLD 1 - Development in Fluvial (River) and Coastal Flood Plains**

Development does not lie within the 1 in 100 year fluvial plain.

## FLD 2 – Protection of Flood Defence and Drainage Infrastructure



A 5m working strip is included on the Proposed Site Layout Drawing part 1, 3466-PL 104. Deemed acceptable.

### **FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains**

Evidence of Schedule 6 consent dated 15/2/2021 for the discharge of surface water has now been received.

### **FLD 4 – Artificial Modification of Watercourses**

Evidence of Schedule 6 consent dated 15/2/2021 for consent to culvert the watercourses at 2 locations has now been received. Cannot sustain an objection under this sub-policy FLD 4.

**FLD 5 - Not applicable**

### **HED (16.02.21):**

**Buildings:** On the basis of the additional Landscape and Visual Report and agent's letter dated 27th Jan 2021 and advises that the proposal satisfies the requirements of SPPS (NI) 2015 paragraph 6.12 and PPS6, policy BH11. A condition is requested that the planting shall be implemented as per Park Hood drawing 6911-L-200 within the first available planting season following commencement of development in order to protect the existing rural character of the setting to the listed buildings.

**Monuments:** The proposal satisfies PPS 6 policy requirements, subject to conditions.

**EH (29.01.21) – No objection.**

**NIW (14.12.20) – Public water supply** the development required to consult with NIW by way of a predevelopment enquiry (PDE) to determine if there is capacity to serve the proposal.

Applicant proposes to discharge foul sewerage to septic tank.

Applicant proposes to discharge surface water to water course via hyrdobrake

*The agent in an email dated 27.10.23 has provided evidence of ongoing negotiations with NIW and solutions.*

### **Objections & Representations:**

The application was initially advertised in the press on the 15.12.20 for 'proposed extension to existing caravan park comprising 75 static sites and 8 glamping pods, amenity building, children's play area and playing field, landscaping new access, entrance feature wall and associated ancillary infrastructure.

The application was re-advertised 01.06.22 following an amendment to the proposal for proposed extension to existing caravan park (Bryansford Caravan Park)

comprising 74 static sites, amenity building, children's play area and playing field, landscaping, new access, entrance feature walls and associated ancillary infrastructure.(Amended proposal)

15 neighbours were notified 19.05.22 following revised proposals as well as on the original submission on 10.12.20.

No objections were received.

### **Consideration and Assessment:**

Proposals as initially submitted for an extension to the existing caravan park to include 75 static caravans and 8 glamping pods, amenity building and children's playground and playing field.

During the course of processing the application proposals were altered following advice from consultees. This resulted in an amended scheme presented to the Local Planning Authority in May 22 for 74 static sites, amenity building. The glamping pod element was removed to ensure the protection of the existing woodland area to the extreme NW as well as protecting habitat. Static caravans are well designed and finished to match those of the existing park.

### **EIA Screening:**

The proposal falls within the threshold of Category 12 (E) – Permanent Camp Site and Caravan Site of the Planning (Environment Impact Assessment) Regulations (Northern Ireland) 2017. The Local Planning Authority has determined through EIA screening that there will be no likely environment effects and an Environment Statement is not required.

### **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.

### **HRA Screening:**

Application screened.

## Down and Ards Area Plan 2015



## Regional Development Strategy (RDS):

The RDS seeks to promote a sustainable approach to the provision of tourist infrastructure. With the importance of striking a balance between benefiting society and the economy whilst ensuring this can be achieved in a sensitive manner. The regional policies of the SPPS, PPS2, PPS3, PPS6, PP15, PPS16 and PPS21 will be considered further in line with RDS requirements will be set out in the report below.

## 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.

## Development Plan:

In this case the Down and Ards Area Plan 2015 (DAAAP 2015) is relevant to this application which identifies the site as being outside the settlement limits of Bryansford within the open countryside of the AONB.

In summary, the proposal in principle, is acceptable to the DAAAP 2015, however the detailed scheme must also meet prevailing policy requirements, as considered below.

## SPPS:

Having considered the relevant policies contained within the SPPS following its publication which is somewhat less prescriptive, the retained policies of PPS2, PPS3, PPS6, PPS15, PPS16 and PPS21 are relevant and will be given substantial weight in the determination of the application in accordance with paragraph 1.12 of the SPPS.

## SPPS and PPS2 – Natural Heritage

### NH2 -Species Protected by Law, NH5 – Habitats, Species or Features of Natural Heritage Importance:

In relation to Natural Heritage interests following the revised proposal which now removes the glamping element from the scheme with retention of the existing woodland area and additional information considered NIEA (NED) in their consultation response dated 08.08.22 are content with the proposals subject to planning conditions.

## **(NH6 -AONB)**

The siting and scale of proposals have been well designed taking account the special character of the AONB in general, incorporating and retaining existing vegetation in the layout of the development which has taken account of the existing listed building within the vicinity and use of traditional building materials at the entrance of the development which is deemed acceptable by HED in their comments dated 16.02.21.

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 23.05.22 have no objection with proposals. The site has adequate curtilage turning and parking within the scheme.

Proposals meet the requirement of PPS3.

## **SPPS and PPS6 – Planning, Archaeology and the Built Heritage**

HED in comments dated 16.02.21 have no objection in principle to development subject to conditions.

**SPPS and PPS15** – Rivers Agency in their consultation response 13.03.21 have raised no issues of concern. The relevant consents for surface water discharge and culverting have been permitted by Rivers Agency.

## **PPS16**

PPS 16 set out the planning policy for tourism development, including the main forms of tourist accommodation and tourist amenities. The relevant policy context in this case is that of TSM 6 for New and Extended Holiday Parks in the Countryside.

Planning permission will only be granted for an extension to a 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 proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

## **Site Layout Plan and Landscape Plan**





The site is an extension to the park which appear to have been in existence from the 1970s and has expanded over the years through various applications (R/1993/0475, R/1988/0694, R/1982/0117 and R/1973/0269)

Proposals have been accompanied by a detailed site layout and landscape plan in accordance with planning policy but will also have to meet criteria set out within TSM 6 which will be considered in further detail below:

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

The site is located to the N of the existing caravan park and set back from the public road.

The site is viewed from the Burrenbridge Rd which is situated to the E/ NE of the site. Whilst the NW portion of the development is not readily visible from this road the remainder of the development (NE part of the development) will be seen intermittently when travelling in either direction. Due to natural topography and intervening vegetation views are restricted in part but the site will also benefit from rising backdrop along with proposed landscaping will screen views without significant adverse impact upon the visual setting.

There are views from Cedar Grove however existing natural screenings, topography and the presence of the existing caravan park will not appear misplaced and can be readily absorbed into the landscape without adverse impact but also there is sufficient distance away from the existing residential development to avoid any issues of concern upon amenity.

There are no views from the main thoroughfare through the settlement of Bryansford.

Although there are views over a long distance from Tollymore Forest (this has also been illustrated in Pg 15 of DAS) which illustrates that the development will cluster and be visually read with existing development within Bryansford and graveyard to the SE will not appear misplaced in this setting.

The development can also be seen intermittently along the A50 Newcastle Road (east) however the views are extremely long distant, set against a backdrop and are intermittent when viewed in relation to the natural topography and vegetation. Given the distance there is no immediate concern with regard to impact upon the visual amenity or rural character of the AONB.

Given the consideration of critical views of the site as well as the location of development, surroundings, natural topography, existing and proposed vegetation planting views of the site are limited in part with the landscape able to readily absorb development without adverse impact upon the visual amenity or rural character of the AONB.

Proposals adhere to criteria a of TSM 6.

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

The holiday park extension has been developed into 8 different parcels of development each of which are located in the inner side of existing natural vegetative boundaries. It is proposed to retain the existing boundaries (this will be further conditioned to ensure retention) with an additional band of buffer planting of approximately 3m, in width between the caravans and the outer boundary which will comprise of a mix of native species woodland, shrub and hedge planting. The layout has been altered to remove the glamping area to the NW of the site with this area of woodland now retained as part of the proposals.

Overall, the retention of existing vegetation along with additional buffer planting will remain free from development, will not only assist in the softening of the overall visual impact but will also aid integration into the surrounding landscape.

Proposals conform to criteria b of TSM 6.

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

The existing site benefits from an existing communal play park and space which will remain an integral part of the development and will be located centrally within the development for all users. The proposed development is less dense with much more space spread around each of the units in a lesser formalised arrangement than the existing park with communal open space allocated to each of the parcels of development surrounded by caravan units with the ground to rear utilised by buffer landscaping planting. Overall development proposals taking into account the existing holiday park has sufficient apartment space (measuring 15% of overall available communal space) assigned to it, which is in full compliance with criteria c of TSM 6.

*(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 existing holiday park is uniform and formalised with little space surrounding and between caravans. In contrast the proposed extension to the park has been carefully designed taking account the natural landscape and vegetative boundaries which form 8 parcels of land in which caravans are placed within the inside of the retained boundaries which is broken up by areas of communal green space, spacious

arrangement and separation between each of the units combines with natural landscaping, buffer planting and the informalised arrangement of paths and access which gives an overall softer visual aspect than the current park.

Proposals meet criteria d of TSM 6.

*(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;*

The design and form of the proposed caravans replicate that of what is current at the application site that proposals will not appear misplaced. The informal arrangement of the new extended park, communal space, retention of existing boundaries and supplementation by buffer planting will screen as well as integrate development proposals including ancillary infrastructure. Feature walls at the entrance will be constructed of stone to replicate the finishes of the nearby listed building this will improve visual aspect from current arrangements and HED have raised no issues of concern.

Criteria e of TSM 6 has been satisfied.

*(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;*

Environmental assets by way of existing tree and landscape features are retained within this proposed development. The amendment of the proposal to include the removal of glamping pod area to the NW of the site further offers protection of the existing woodland scrub area. Existing trees and landscape features have been identified, retained and integrated into the overall design and layout with including of additional buffer planting.

HED Buildings and Monuments branch responded in February 2021 and offered no objection in principle to the development subject to planning conditions.

Development proposals meet criteria f of TSM 6.

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

The applicant proposes to discharge foul sewerage to a septic tank and surface water via a hydrobrake both discharging means will require consent from the relevant authorities prior to commencement. In relation to water supply it is intended to use public water mains whilst there is availability there is nevertheless a requirement to determine if there is capacity to serve the proposal by way of a PDE.

The agent in an email dated 27.10.23 has confirmed negotiations with NIW with solution found on water supply. A consent to discharge has previously been granted by Rivers Agency and waste to be dealt with by way of a Waste Water Treatment



Facility although the agent has indicated the proposed use of a septic tank. However negative conditions will be applied to ensure adequate provision is made.

*Proposals meet criteria G subject to condition*

### **TSM 7 Criteria for Tourism Development and PPS16 ANNEX 4**

The development has been designed to take account of provisions within Annex 4 but also fully adheres to the criteria set out within TSM 7.

Overall proposals meet the requirements of PPS16 for the reasons set out above.

### **PPS21 – Sustainable Development in the Countryside (CTY 1, CTY13, CTY14 and CTY 16)**

PPS 21 set out planning policies for development within the open countryside.

Policy CTY1 states that there is a range of development which in principle are considered to be acceptable and that will contribute to the aims of sustainable development. Planning permission will be forthcoming for non-residential use for tourism in accordance with TOU Policies of the PSRNI. However, as the tourism policies have been superseded by PPS16 which have already been assessed above the remaining policies of PPS21 i.e. CTY 13, 14 and CTY 16 remain relevant and will be further considered below.

### **CTY 13 – Integration and Design of Building in the Countryside and CT14 - Rural Character**

The site extends from the existing holiday park in a NW and NE direction whilst elevated at the playground area the land slopes away gently towards the NW and NE of the site.

The land in which development is proposed comprises of several existing agricultural fields enclosed with relatively mature vegetation with long established vegetation in which to enclose the development and although additional buffer planting is proposed. This will assist with integration and soften the visual appearance, the development is not absolutely reliant upon this and is more a welcome addition to the proposed development.

The natural topography of the land ensures there is a natural backdrop provided by surrounding land and enclosure provided by natural screenings observed within the individual plots at the site. The design of caravans is similar to existing at the park that it will not appear misplaced and the overall layout and ancillary works are less formalised and well-designed taking account natural landform and surrounding boundaries.

Overall development proposals will be well integrated into the landscape without adverse visual impact on the wider AONB meeting the requirements of CTY13 and 14.

**CTY16 – Development Reliant on Non Mains Sewerage**



The developer proposes to use a septic tank for foul sewerage and a hydrobrake for discharge of surface water. Consents has been received from Rivers Agency in relation to this however consent is required for the septic tank. Conditions relating to sewerage provision will be attached the event that permission is granted.

### **Water and Sewerage**

The applicant proposes to connect to the mains water supply and sewerage dealt with by way of a septic tank and a surface water captured by a hydro brake which has already obtained consent for surface water discharge.

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 05.08.21 have raised no issues of concern in relation to the matter and are content subject to conditions.

NIW in comments dated 14.12.20 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 10.11.22 that they are dealing directly with NIW to resolve.

The agent in an email dated 27<sup>th</sup> October 2023 enclosed correspondence from NIW dated 06.03.23, 19.05.23 and 18.09.23. In the latest correspondence relating to the Water Impact Assessment this will remain valid for 18 months and has concluded that the development can be supplied from the network without causing detriment to existing customers however an application for a watermain requisition, external to the site will be required to connect to the water network

In relation to surface water discharge correspondence from Rivers Agency dated 15.02.21 (although valid for 24months from date of letter) were generally satisfied with discharge rates. Despite the passage of time this position is likely to remain unchanged although subject to consent from Rivers Agency which is a matter for the applicant.

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.

# **Consideration and Assessment Summary:**

Having had regard to the development plan and all other material considerations (including SPPS, PPS2, PPS3, PPS6, PPS15, PPS16, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable tourist development proposal which is in full compliance 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

## **Draft Conditions:**

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

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

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

.....

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

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

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

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

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

5. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of DFI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.

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

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Reason: In the interest of road safety.

7. Site servicing shall be carried out in accordance with the Service Management Plan date stamped.....

Reason: In the interests of road safety.

8. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Spoil Management Plan; including identification of peat/spoil storage areas, management and handling of spoil and details of the reinstatement of excavated spoil;
- e) Water Quality Monitoring Plan;

- f) Environmental Emergency Plan;
- g) Details on the construction of any culverts including risks to the aquatic environment and mitigation measures to alleviate these;
- h) Details of appropriate mitigation measures to protect bats and badgers, including an updated survey prior to works commencing;
- i) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species and to prevent likely significant effects on Shimna River Area of Special Scientific Interest (ASSI) and Murlough Special Area of Conservation (SAC) and ASSI.

9. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) unless an appropriate Wildlife Licence has been obtained from NIEA. 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 on the site.

10. The Drainage works shall be completed in accordance with the Drainage Assessment date stamped .....

Reason: In the interest of surface water flooding risk.

11. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Local Planning Authority in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are



properly identified and protected or appropriately recorded.

- 12.No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition L15a.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

- 13.A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 13. These measures shall be implemented and a final archaeological report shall be submitted to the Local Planning Authority within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Local Planning Authority.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

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

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

- 15.No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 16, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

- 16.All hard and soft landscape works shall be carried out in accordance with drawing No..... 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.

- 17.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:**

**Date: 24.11.23**

**Appointed Officer Signature:**

**Date:24.11.23**



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

**Application Reference:**

LA07/2022/0086/O

**Date Received:**

15.12.21

**Proposal:**

Proposed site for business/industrial/storage units (Use Classes B1/B2/B3/B4)

**Location:**

Lands approximately 20m south of Unit 2A Loughway Business Park  
Newry  
BT35 6QH

**Site Characteristics & Area Characteristics:**

The site is within the development limits of Newry and is located within Greenbank Industrial Estate and is zoned for Economic Development (NY 70) as designated within the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The Industrial Estate is accessed off Warrenpoint Road which is a Protected Route. A watercourse flows along the rear of the site and discharges into Newry River and Carlingford Lough ASSI.

The red line comprises a rectangular shaped plot within Greenbank Industrial Estate. The plot is currently undeveloped and comprises natural grassland and scattered

scrub. The topography is relatively flat. Industrial units abut the site to the north whilst the lands to the south remain undeveloped.



*Site location map*



*Application site*





Extract of Map 3/02a – site location with NY 70

### Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 4: Economic Development
- PPS 11: Planning and Waste Management
- PPS 15: Planning and Flood Risk
- DCAN 15 – Vehicular Access Standards
- Parking Standards

### Site History:

- P/2004/2199/F - Proposed 5 No new storage warehouse units (class 11) with parking and associated siteworks – Approved

### Consultations:

- DfI Roads – No objections to this proposal. DfI Roads also noted that the red line does not adjoin a public road. However, the Agent has clarified that the existing access road into the Industrial Estate will be used.
- NI Water – Recommended refusal for the following reasons:
  1. As the site is located wholly or partially within the pumping station's 50m odour consultation zone boundary an Odour Encroachment Assessment

is required to determine the compatibility of these proposals with the existing operation of the pumping station.

2. A high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed.

In response, the Agent submitted correspondence from Aaron Boyd of NI Water advising that NIW are willing to waive their right to object to such a development if it can be demonstrated that the amenity of the proposed population will not be adversely affected by the operations of NIW. To this end NIW have prepared a policy on planned developments near to Wastewater Pumping Station. NIW have considered the location of the property under this policy and can confirm that while it is inside the 'Odour Consultation Zone Boundary' our assessment concludes that NIW will not, on the grounds of 'incompatible development' raise an objection to any proposed development or reuse of the site.

A WWIA application was submitted to NI Water and a Solution Engineer Report produced and submitted to the Planning Department. This remains ongoing between parties. While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

- Environmental Health - No objection in principle to this application subject to condition/informatives.
- Loughs Agency – Request that all storm water from the development site should not be discharged to nearby watercourses unless first passed through a petrol inceptor and flow attenuation measures as storm water can carry pollutants into watercourses and high-volume discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests. This can be mitigated through conditions.
- NIE - The proposed development should take into account the position of any NIE Networks' equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE Networks' equipment during the construction and operational phases of the project and also during future maintenance programmes in accordance with HSE Guidance Note GS6 "Avoidance of Danger from Overhead Electric Lines" and HSE Booklet HS(G)47 "Avoiding danger from underground services". Further information is also available at [www.nienetworks.co.uk/Safety-Environment](http://www.nienetworks.co.uk/Safety-Environment).

- NIEA –

- WMU: while it has no objection in principle the development as it stands has the potential to have an adverse effect on the aquatic environment. If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal. Due to the proximity to watercourses Water Management Unit require further detail in the Final CEMP to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.
- NED: Subject to conditions, NED are content the proposal will not have a significant impact on natural heritage features.

As noted above, the Agent has engaged with NIW whereby a waste water impact assessment and follow up information has been submitted, and remains ongoing between parties. While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions. As this is an outline application, the submission of a Final CEMP can be controlled by way of condition for submission at RM stage.

- SES – Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to conditions.

- Rivers –

- FLD 1: DfI Rivers, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions. The Flood Risk Assessment states that the flood mitigation measures require further consideration, therefore DfI Rivers requests that the Planning Authority includes a condition for the submission of a final flood risk assessment, compliant with FLD 1 and Annex D of PPS 15 prior to the commencement of development.
- FLD 2: it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. DfI Rivers notes that Drawing No. C101 of the



Flood Risk Assessment Addendum A appears to comply with this requirement.

- FLD 3: 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. In order to ensure compliance with PPS 15, therefore DfI Rivers requests that the Planning Authority includes a condition for the submission of a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, prior to the construction of the drainage network.
- FLD 4: Not applicable to this site.
- FLD 5: DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. DfI Rivers is in possession of information confirming that Camlough Reservoir has 'Condition Assurance' consequently DfI Rivers has no reason to object to the proposal, at this time, from a reservoir flood risk perspective in respect to Camlough Reservoir.

### **Objections & Representations:**

Neighbour notification letters were issued to two neighbouring addresses on 28<sup>th</sup> February 2022.

The application was advertised in the local press on 2<sup>nd</sup> February 2022.

No objections or representations have been received to date (01.11.23).

### **Assessment**

#### Proposal

The proposal is for the erection of business/industrial/storage units (Use Classes B1/B2/B3/B4). This is an outline application therefore no floor plans or elevations have been submitted. An indicative site layout plan has been submitted and shows the erection of 2 buildings and the provision of 59 car parking spaces and 4 lorry spaces as well as spaces for bicycles.



*Indicative site layout plan*

### Principle of Development

As the development is within Category 10(a) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development.

The Council has determined as such that the planning application does not require to be accompanied by an Environmental Statement.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. 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 interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate



otherwise. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

The application site is located in an area zoned for Economic Development (NY 70) as designated within the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). Policy for the control of development on zoned sites is contained in Policy SMT 2 in Volume 1 of the Plan. Zoned economic development land will be developed in accordance with prevailing regional planning policy and with the relevant Plan Proposals, including the key site requirements.

The key site requirements for this zoning are:

- Access shall be from the Greenbank Industrial Estate access roads
- A 3-5 metre belt of trees of native species shall be planted on the western and southern boundaries of the site in order to screen the development from the Newry Canal and Carlingford Lough;
- The Transport Assessment will examine the junction of the Greenbank Industrial Estate with the A2.

The proposed site will be accessed from Greenbank Industrial Estate access roads and is not perceived to generate a significant flow of traffic relative to the existing industrial estate and therefore the submission of a Transport Assessment is not required in this instance. DfI Roads have offered no objections to the proposal. The application site does not abut the western or southern boundaries of the wider zoning and does not share a boundary with Newry Canal or Carlingford Lough.

The Key Site Requirements have been met within this application ensuring the application is consistent with policy SMT 2 of the Plan Strategy and Framework.

The BNMAP Plan Strategy and Framework states that Class B2: and Class B4 uses will normally be acceptable on land zoned for economic development and that Class B3 uses will only be acceptable where the carrying out of any proposed industrial process is compatible with adjacent uses. The Plan goes on to state that Class B1 uses should normally locate within designated city or town centres and that the Development Opportunity Sites zoned in Volumes 2 and 3 of the Plan could accommodate such development. However, use for research and development, or as a call centre, may be acceptable at other locations within settlements including some of the land zoned for economic development. The proposal is in compliance with the BNMAP.

The retained policies as noted below are more prescriptive than the SPPS and therefore, will be considered with determining weight as part of the consideration. Policy PED 1 of PPS4 is applicable.

#### PPS 4: Economic Development

Policy PED 1 covers Economic Development in Settlements and states that Class B1 use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre. The Policy goes on to state that, a development proposal for a Class B1(b) use as a call centre or B1(c) use for research and development proposals will be permitted within an

existing or proposed industrial/employment area. Class B1(a) office use will only be permitted in an industrial/employment area when specified in a development plan.

This policy confirms that a Class B2 and B3 use will be permitted in an area specifically allocated for such purposes in a Development Plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location.

The policy also states that a Class B4 use will be permitted in an area specifically allocated for such purposes in a development plan.

The proposed development is proposed to be located on land zoned for Economic Development which includes an existing range of development and uses. The Area Plan confirms B1, B2, B3 and B4 uses are acceptable in this area. As established above, the siting of the proposal is deemed acceptable. In terms of scale and form, this is an outline application and more detailed plans will be required at Reserved Matters stage.

The proposal is expected to meet all the criteria of policy PED 9 (considered below) in addition to the above provisions.

- a) The proposal is compatible with surrounding land uses within the existing Greenbank Industrial Estate where uses are varied. The site is also zoned for Economic Development.
- b) There are no nearby residents who would be impacted by the proposal given the siting within an existing Industrial Estate.
- c) There are no built heritage features adjacent the application site. Regarding natural heritage, following the submission of a PEA, CMS and Invasive Species Plan, consultation with NIEA WMU and NED and SES was carried out and listed in detail above whereby no objections have been offered subject to conditions.
- d) A Flood Risk and Drainage Assessment was submitted and DFI Rivers Agency offered no objections to the proposal subject to conditions.
- e) The siting within an existing Industrial Estate is noted whereby the zoning of the lands is also acknowledged. This is an outline application therefore technical details of the proposed uses and operations on the site have not been submitted. These will be submitted at RM stage and further consultation with Environmental Health can be carried out.
- f) A negative condition will ensure the proposal is connected to the sewer and agreed by NIW prior to the commencement of development.
- g) DFI Roads has no objections to the proposal with regard to the existing road network.
- h) The indicative site layout plan shows the provision of 59 car parking spaces and 4 lorry spaces as well as spaces for bicycles. The plan also shows the manoeuvring of large vehicles within the site's boundaries. Again, as this is an outline application, site specific details will be submitted at RM stage whereby there is scope for the proposal to comply with the Parking Standards guidance.
- i) The proposal is in general compliance insofar that is practical and proportionate to the proposal.

- j) This is an outline application therefore further details regarding the layout, design, landscaping etc will be submitted at RM.
- k) This is an outline application therefore further details regarding the layout, design, landscaping etc will be submitted at RM.
- l) Boundaries details and proposed layout will be submitted at RM whereby the level of surveillance can be considered and assessed.
- m) As the proposal is not within the countryside this criterion is not applicable.

### PPS 2: Natural Heritage

Following the submission of a PEA, CMS and Invasive Species Plan, consultation with NIEA WMU and NED and SES was carried out and listed in detail above whereby no objections have been offered subject to conditions. The consultee responses are listed in further detail above.

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 02/08/2022. This found that the project would not have an adverse effect on the integrity of any European site.

### PPS 3: Access, Movement and Parking

The proposed development will utilise the existing access road. The indicative site layout plan shows the provision of 59 car parking spaces and 4 lorry spaces as well as spaces for bicycles. The plan also shows the manoeuvring of large vehicles within the site's boundaries. As this is an outline application, site specific details will be submitted at RM stage whereby there is scope for the proposal to comply with the Parking Standards guidance. DfI Roads have provided a response to the proposed development offering no objections.

### PPS 15: Planning and Flood Risk

A Flood Risk Assessment and a Drainage Assessment were submitted alongside the application. Following review of the case by the Chief Planning Officer, the PL Dept previously determined the proposals were an exception to FLD1, thus allowed for an FRA to be considered DfI Rivers were consulted on several occasions and its final response offer no objections under FLD 1-5 subject to conditions.

### Summary

As outlined above, the proposal complies with all relevant policies. All consultees are back content (some subject to conditions). The principle of development on the site is considered acceptable.

**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 development hereby permitted shall take place in strict accordance with the red line indicated on the site location map shown on Drawing No. 03, and the layout, access and car parking provision shall be broadly in line with the indicative site layout plan shown on Drawing No. 01A.

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

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

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

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

5. The buildings shall be used only for B1, B2, B3 or B4 use of the Schedule to the Planning (Use Classes) Order (NI) 2015, with the exception of Use Class B1(a). Any office use shall be ancillary to the main use of the building.

Reason: To prohibit a change to an unacceptable use.

6. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the



development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council.

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

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

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

8. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into the water course flowing along the eastern boundary of the site.

Reason: To prevent pollution of watercourses.

9. Plans submitted at Reserved Matters shall take into account the position of any NIE Networks' equipment and shall maintain statutory clearance from NIE Networks' equipment during the construction and operational phases of the development and also during future maintenance programmes in accordance with HSE Guidance Note GS6 "Avoidance of Danger from Overhead Electric Lines" and HSE Booklet HS(G)47 "Avoiding danger from underground services".

Reason: To ensure safety.

10. A final Construction Environmental Management Plan (CEMP) shall be submitted at Reserved Matters for approval by the Planning Department. The final CEMP shall include:

- All mitigation from the outline CMS including detailed measures to avoid pollution of surface water runoff; and
- The additional information requested by DAERA's Water Management Unit and recommendations from Natural Environment Division as outlined in their response dated 16/05/2022.

The final CEMP shall be implemented in accordance with the approved details. All works on site shall conform to the approved CMS, unless otherwise agreed in writing by the Planning Authority.



Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the development will not have an adverse effect on the integrity of Carlingford Lough SPA/Ramsar site/ SPA (RoI)/ Carlingford Shore SAC (RoI) or any other European site.

11. The invasive species management plan completed by Sterna Environment shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority

Reason: To reduce invasive species populations at the site, to prevent the spread of contaminating waste material from the site and to prevent the spread of contaminating waste material within the site, which may give rise the possibility of off-site transport.

12. A suitable buffer of at least 5m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc., and the water course present along the eastern boundary of the site at all times.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

13. Prior to the commencement of any of the development hereby approval, a final Flood Risk Assessment shall be submitted for approval by the Planning Department. The final FRA shall be compliant with FLD 1 and Annex D of PPS 15 and shall contain appropriate mitigation measures as a means of protecting the development from future flood events.

Reason: In order to safeguard against fluvial flood risk to the development and manage and mitigate any increase in fluvial flood risk from the development to elsewhere.

14. A 5m maintenance strip shall be retained along the eastern boundary of the site adjacent the watercourse known to DfI Rivers as: 'Knox-Peebles Drain'. Plans submitted at Reserved Matters stage shall show this maintenance strip and the development hereby approved sited outside the strip. No buildings or other structures shall be erected within the maintenance strip at any times.

Reason: To provide clear access and egress at all times to facilitate replacement, maintenance or other necessary operations by DfI Rivers, other statutory undertaker or the riparian landowners

15. Prior to the construction of the drainage network, a final Drainage Assessment shall be submitted for approval by the Planning Department. The final DA shall be compliant with FLD 3 and Annex D of PPS 15 and shall demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

Informatives:

1. 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.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.
4. Demolition: All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.
5. Oil and fuel storage must have a secondary containment system (of 110% capacity) to ensure that any leaking oil or fuel is contained and does not enter the aquatic environment. It must be kept in a bunded area within 10m of a watercourse, ditch or drainage channel.
6. The applicant should demonstrate best environmental practice when working close to watercourses, as per environmental guidance in GPP 5: Works and maintenance in or near water. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species.
7. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to

fisheries interests.

8. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Commercial and Industrial Developments.
9. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.
10. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.
11. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
12. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
13. The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment: <https://www.daera-ni.gov.uk/articles/standing-advice-0>
14. Invasive plants

The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes (Japanese knotweed, Giant hogweed and Himalayan balsam).

Any soil, containing (Japanese knotweed, Giant hogweed and Himalayan balsam) plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of (Japanese knotweed, Giant hogweed and Himalayan balsam) it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains (Japanese knotweed, Giant hogweed and Himalayan balsam) as part of the waste transfer process.

Please see the following link for Best Practice Guidance:

<http://invasivespeciesireland.com/toolkit/>

Further advice can be sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605

#### 15. Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or



- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1<sup>st</sup> March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

#### 16. Otter

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 the otter (*Lutra lutra*);
- 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 otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

**Case Officer Signature: Eadaoin Farrell**

**Date: 01.11.23**

**Appointed Officer Signature: M Keane**

**Date: 06-11-23**



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

**Application Reference:**

LA07/2022/1757/F

**Date Valid:**

Nov 2022

**Proposal:**

Erect replacement dwelling and detached garage

**Location:**

5 Ballymaderfy Road, Kilkeel

**Site Characteristics & Area Characteristics:**

The site is located within the rural countryside outside any development limit as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The application site is also within an Area of Outstanding Natural Beauty.

The site comprises a roadside plot, whereby the subject building to be replaced consists of a single storey dwelling which sits gable end to the road. This building is currently vacant and the site is overgrown however is fully intact with walls and roof and clearly exhibits the essential characteristics of a dwelling. There is an outbuilding immediately adjacent with overgrown grassed area in front of the dwelling which appears to form part of an enclosed curtilage. The site is enclosed by agricultural fields on 3 sides with the roadside forming the remaining boundary. The side gable extends to adjoin the road.

*Application site and subject building*





**Planning Policies & Material Considerations:**

This application will be assessed under the following policy considerations:

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

**Site History:**

A history search has been carried out for the site and surrounds whereby the most relevant history observed includes:

LA07/2022/0402/F- Erection of dwelling and garage (Change of house type in substitution to the approvals granted under LA07/2019/0885/O & LA07/2021/1449/RM). Permission granted

LA07/2021/1449/RM- Erect dwelling and detached garage- Permission Granted

LA07/2019/0885/O - Proposed site for farm dwelling and domestic garage – Permission granted,

**Consultations:**

Having account the constraints of the site consultation was undertaken with the following bodies

- **DfI Roads** – No objections subject to conditions
- **NI Water** – Advise the site falls within the Development Encroachment Boundary for Ballymaderfy WWTW and recommend refusal as nuisance may be experienced as a result of the proximity. This is considered further below.
- **Rivers Agency**- No objections

**Objections & Representations:**

Neighbour notification letters were initially issued to several addresses in Nov 2022. Following a site visit an additional property was identified to be neighbour notified in July 2023.

The application was also advertised in the local press in Nov 2022.

No objections or representations have been received to date (23.11.23).

## Assessment

### Proposal

The application seeks full permission for the erection of an on-site replacement dwelling and domestic garage.

The proposed dwelling will be single storey, with a single storey detached garage. The proposed finishes include; concrete roof tiles, wet plaster dash walls, upvc RWGs and windows and hardwood doors, with mourne granite detailing around the front door.

The site plan and form and scale of the dwelling proposed are attached below.



### Principle of Development

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

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

The principle of development is established under PPS 21: Sustainable Development in the Countryside, Policy CTY 3 – Replacement Dwellings. This policy provides the criteria to be met in order to grant permission for a replacement dwelling.

*Planning permission will only 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.*

Following a site visit, it is considered the building to be replaced exhibits the essential characteristics of a dwelling, whereby the external walls and roof are intact and considering its layout and appearance including domestic openings and chimneys on

the ridge, it is considered the existing structure exhibits the essential characteristics of a dwelling for the purposes of this policy.

The Policy goes on to provide guidance regarding non-listed vernacular dwellings and advises 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.*
- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group."*

The characteristics of the existing dwelling are noted. Annex 2 of PPS 21 provides guidance on what constitutes a rural vernacular dwelling. It is acknowledged that the existing dwelling comprises some characteristics of a vernacular dwelling including linear plan, depth and chimney along the ridge line. The site also occupies a roadside plot with the building sited gable end to the road, whereby this plot is evident for a short distance when travelling along this road.

However having account the condition of the building and overgrown nature of the site, it is considered it does not make an important contribution to the character, appearance or heritage of the area. The new development across the road is also noted.

As such no objections are offered to the demolition of the existing structure and site clearance to accommodate a new dwelling which will be sited over the footprint of that existing.

*The proposed dwelling should be sited within the established curtilage of the existing building unless...the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling.*

The size of the site, including footprint of the existing building and what appears to have been the extent of the original defined curtilage are noted, which it is acknowledged are restricted in depth/dimension.

The recent permission for a farm dwelling immediately adjacent and the extent of the associated curtilage are also noted.

As stated above this proposed replacement dwelling will be located in-situ whereby the site plan submitted shows the overlay of that proposed with that existing, while also showing the extent of the approved curtilage associated with the farm dwelling.



Having account the restricted size of the existing curtilage it is considered the proposals submitted are acceptable, which encompass the existing curtilage with a modest extension of curtilage in to the adjoining field to the rear. It is considered this increase in curtilage will not alter or harm the character of the area due to the small increase and how it is achieved with little impact from public viewpoint. It is also noted the curtilage proposed aligns with that of the recently approved farm dwelling.

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Supplementary guidance on the assessment of Replacement Dwellings is contained in section 05.

Para 5.2.1 of BoT states that *"the replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. **Replacement dwellings should not be of an excessive size in comparison to the original building** or be located a significant distance away from the original footprint unless there are clear and evident benefits."* Para 5.4.0 goes on to state that *"**replacement projects** will tend to be **most successful** where they **defer to the form and shape of the building they are replacing.**"*

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

Building on Tradition also provides design elements that should be avoided for development in the countryside which include complex roof shapes, complex house shapes, large scale, ridge lines that are excessively high relative to the eaves, mix of gable widths and chimney breasts that project from gables.

The proposed house type is shown above.

The proposed dwelling comprises a low pitched single storey building with associated detached single storey single width garage. The scale of the replacement dwelling is reflective of the dwelling to be replaced, with simple form, and with several roof pitches and returns to break up its mass.

This area and stretch of road includes a mix of house types, sizes and designs, whereby that proposed is not considered to be out of keeping.

The dwelling proposed will be sited gable end to the road as per existing and due to the sites topography and depth, whereby the associated garage will be set back from the road. This proposed garage is small in scale and subordinate to the dwelling. A new vehicular access is also proposed.

I am satisfied that the size of the new dwelling would allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

*All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality.*

*Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.*

DfI Roads were consulted and offered no objections subject to conditions.

A new access is proposed to serve the dwelling with 5m wide entrance point and sight splays of 2m by 60m.

NI Water advise the site falls within the Development Encroachment Boundary for Ballymaderfy WWTW and recommend refusal as nuisance may be experienced as a result of the proximity. While the position of NIW is noted, having account the nature of this application (Replacement) and condition of the existing subject structure, whereby the proposal is for an onsite replacement dwelling, coming no closer to the WWTW, on balance having account the site specific circumstances, the proposals as submitted are considered acceptable and nothing further is required.

Aside from this aspect NIW advise there is a public water main available to serve this proposal. It is also noted surface water sewer is to be disposed off to soak-aways, with a WWTP piped to sleugh also proposed to serve the dwelling.

Rivers Agency offer no objections in principle.

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#### Amenity

The nearest existing residential property is located to the far side of the road, while the siting of the approved (but not yet constructed) farm dwelling adjacent to the site is also noted.

Having account the size of the dwelling, its orientation, layout and separation distances to various boundaries and any adjoining property, it is considered no unacceptable impact will result on the amenity of any existing/proposed residential property.

#### Policy CTY 13 and CTY 14

New dwellings in the countryside must be able to visually integrate into the surrounding landscape and be of an appropriate design. New dwellings in the countryside must also not cause a detrimental change to, or further erode the rural character of an area. The proposed ridge height and single storey nature is reflective of the dwelling to be replaced. The form and design of the front elevation of the dwelling is simple. The proposed garage is modest in size and subordinate to the dwelling. The design of the garage is also acceptable. The proposed materials are considered acceptable. The existing dwelling and outbuilding are to be demolished.

I am satisfied that the size and siting of this new on-site replacement dwelling would allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building for the reasons stated. The siting of the dwelling and increase curtilage requires the removal of existing boundaries and loss



of hedging and several trees. several trees, whereby new planting is proposed. It is noted the proposals include a low retaining wall with boarded fencing, although which also include proposed hedging along the outer edge to provide a soft and more appropriate boundary treatment for this rural AONB location. This will be conditioned accordingly. The proposal will not result in a suburban style build-up of development when viewed with existing and approved buildings given the fact that it is replacing a smaller cottage which is to be retained and will be incorporated into the scheme to form a building group. I am content the proposal will not damage the rural character of the area

This proposal complies with CTY 13 and 14.

#### Accessibility & Transportation

As outlined above DfI Roads were consulted as part of the application and offer no objections subject to conditions. A new vehicular entrance (5m wide) with grass verge along the site frontage and sight visibility splays of 2m by 60m are to be provided.

The proximity to other properties accesses is also noted.

This will be conditioned prior to the commencement of any development to ensure road safety.

#### PPS 2: Natural Heritage

PPS 2 sets out the Department's planning policies for the conservation, protection and enhancement of our natural heritage.

A Bio Diversity checklist and Bat Survey had been submitted in support of this application, as the proposals include demolition of the existing buildings and removal of the roadside ditch and planting and also rear trees/hedging. The survey was based on activity and observations on lands within the red line and concluded no bats were observed entering or emerging from the structure during either survey visit, therefore, bats do not pose an ecological constraint to development work.

In addition No protected species were observed during the site visit.

Having account recent guidance from NIEA, having account the information submitted from the Ecologist consultation is no longer required with NIEA.

On the basis of the above it is considered the proposals do not offend the policies contained within PPS2, with appropriate informatives to be included.

#### **Summary**

Taking into account the above, the erection of a replacement dwelling and garage and retention of the existing dwelling for ancillary use is considered acceptable, subject to conditions.

#### **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: FHouston RP1 Rev B, FHouston1b Rev A, FHouston2b Rev A, FHouston4b,

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

3. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved drawing is demolished, all rubble and foundations have been removed.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. FHoustonRP1 Rev B, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

6. All landscaping comprised in the approved details of landscaping, as shown on Drawing No. FHoustonRP1 Rev B shall be carried out in the first planting season following the occupation of the dwelling hereby approved. The proposed boundary hedging shall be a minimum height of 1m above ground level at the time of planting and shall be allowed to grow on to a minimum height of 1.5m thereafter.

Reason: In the interests of visual amenity.

7. Any trees, hedge or shrubs which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.

# Informatives:

1. 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.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. **EXISTING WATER AND SEWER INFRASTRUCTURE**
  - The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
  - It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
  - House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
  - Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.
  - It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.
  - If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
  - Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers



Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp) and Forms.

4. A formal statutory 'Consent to Discharge of Effluent' will be required from the Water Management Unit of the Northern Ireland Environment Agency under the provisions of the Water (NI) Order 1999 in respect of the discharge of foul effluent from a septic tank. Development must not commence until the above consent has been obtained. An application form can be obtained by applying to Water Management Unit, Calvert House, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL, or on the website [www.doeni.gov.uk/niea/water-home/regulation\\_of\\_discharges\\_industrial.htm](http://www.doeni.gov.uk/niea/water-home/regulation_of_discharges_industrial.htm). The septic tank should be located at least 15 metres away from the dwelling to minimise potential for odour nuisance. The applicant must ensure that sufficient land will be available in the final development to accommodate the septic tank and effectual effluent dispersal system. To achieve this, the applicant should engage the services of a suitably qualified person.

#### 5. **BATS (all species)**

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

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
  - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
  - c) Deliberately to disturb such an animal in such a way as to be likely to -
    - i. affect the local distribution or abundance of the species to which it belongs;
    - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young;
 or
    - iii. Impair its ability to hibernate or migrate;
  - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
  - e) To damage or destroy a breeding site or resting place of such an animal.
- If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

#### 6. **ALL BIRDS**

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or

- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturb dependent young of such a bird. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1<sup>st</sup> March and 31st August.

## 7. Smooth Newt

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 smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*);
- damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a newt 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 newts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

8. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of DFI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer 3 Springhill Road Newry. A monetary deposit will be required to cover works on the public road.
9. The Roads (Northern Ireland) Order 1993. Planning Approval permits "the construction of the means of access". This includes the surfacing of the vehicular crossing point, the removal of boundary to create visibility splays and the formation of new boundary behind visibility splays. Any other works, such as kerbing of the road edge, alteration of the road drainage or laying of services in the road or verge, requires the separate consent of DFI Roads. The consent is available on personal application to the DFI Roads Section Engineer. A monetary deposit will be required to cover works on the public road.
10. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.



<b>Case Officer Signature: M Keane</b> <b>Date: 23-11-23</b>
<b>Appointed Officer Signature: P Rooney</b> <b>Date: 23-11-23</b>

## Committee Application

Development Management Officer Report	
<b>Case Officer:</b> Catherine Moane	
<b>Application ID:</b> LA07/2022/0282/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed Site 3no. 2 Storey Detached Dwellings and Garages	<b>Location:</b> 41 Moss Road Ballynahinch
<b>Applicant Name and Address:</b> Mr A Jackson 39 Ballynure Road Newtownabbey BT36 5SL	<b>Agent Name and Address:</b> 48 Sand Road Galgorm Ballymena BT42 1DL
<b>Date of last Neighbour Notification:</b>	18 March 2022
<b>Date of Press Advertisement:</b>	21 February 2022
<b>ES Requested:</b> No	
<b>Consultations:</b> see report	
<b>Representations:</b> None	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

## Site Visit Report

**Site Location Plan:** The application site is located at 41 Moss Road, Ballynahinch.



**Date of Site Visit:** 06 June 2022

### Characteristics of the Site and Area

The site is accessed from the Moss Road via a steep lane that serves detached dwellings of No 37 and 39 Moss Road in addition to the site. Moss Road includes an arc shape of development which include detached bungalows. The site is to the rear and SE of No 39 Moss Road, accommodating a concrete laneway, with the site cleared of all buildings. The eastern boundary is defined by mature trees and vegetation that separate the site from farmlands to the west. To the south the site provides a field gate to the farmland beyond and to the west the boundary is defined by a retaining wall with a steep slope to the site.



<p><b>Description of Proposal</b></p> <p>Proposed Site 3no. 2 Storey Detached Dwellings and Garages</p>
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>The application site is located within the settlements of Ballynahinch as designated in the Ards and Down Area Plan 2015. The site is outside but abuts LLPA 11 within the ADAP 2015.</p> <p>The application is assessed using the following policies:</p> <ul style="list-style-type: none"> <li>Ards and Down Area Plan 2015</li> <li>Regional Development Strategy</li> <li>Strategic Planning Policy Statement (SPPS)</li> <li>PPS 2 – Natural Heritage</li> <li>PPS 3 – Access, Movement and Parking</li> <li>PPS 7 – Quality Residential Environments</li> <li>PPS 7 – Addendum Safeguarding the Character of Established Residential Areas</li> <li>PPS 12 - Housing in Settlements</li> </ul> <p>Supplementary Guidance</p> <ul style="list-style-type: none"> <li>Creating Places</li> <li>DCAN 8 Housing in Existing Urban Areas</li> <li>DCAN 15 Vehicular Access Standards</li> <li>Parking Standards</li> </ul> <p><u>PLANNING HISTORY</u></p> <p><b>Site History:</b></p> <p>LA07/2018/0752/O   41 Moss Road, Ballynahinch   3 No detached dwelling and garages   Permission Granted 17.08.2018.</p> <p>LA07/2016/1487/O   41 Moss Road, Ballynahinch   Proposed Housing Development (4no semi-detached and 2no detached dwellings)   Permission refused 20.07.2017.</p> <p>R/2002/1293/O   Site adj to 39 Moss Road, Ballynahinch   5 dwellings and garages   Permission Granted 2.6.2003.</p> <p>R/2006/0511/O   Site adj to 39 Moss Road, Ballynahinch   Proposed housing development of 5 dwellings (renewal of R/2002/1293/O)   Permission Granted 9.11.2006.</p> <p><b>Consultations:</b></p> <p><b>NI Water</b> have commented as follows:</p> <p>The receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has</p>



no plans within its current investment cycle to upgrade the sewerage system in this Drainage Area and is recommending connections to the system are curtailed. The Applicant is advised to consult directly with NI Water (InfrastructurePlanning@niwater.com) to ascertain whether an alternative drainage / treatment solution can be agreed. An Impact Assessment will be required, upon the completion of which and subject to re-consultation, NI Water may reconsider its recommendation.

On receipt of this consultation response the agent engaged with NI water and as this is a brownfield site and the previous building had a sewer connection to the public sewer, that in order to enable the application to progress, that the first dwelling is connected to the existing sewer and the other two dwellings are connected to individual treatment plants and soakaways as shown on plan site layout SM1435-03.

NI Water have updated their response to the following:-

Approved based on one connection - like for like (as discussed and agreed within NIW) - Must apply for a new connection.

Remaining 2 units based on being served by septic tanks - strongly recommend NIEA approval is gained before planning is granted.

Overflows and effluent from private treatment cannot discharge into public infrastructure. If consent to discharge cannot be achieved, NIW will require submission of an WWIA to find a solution to allow for connection.

**Environmental Health** – Environmental Health have no objection in principle. EH would recommend that residential dwellings should be sited a minimum of 75m away from farm buildings. Care should be taken to ensure future occupants of the apartments are not adversely impacted by noise. Advice should be sought from an acoustic consultant with respect to suitable glazing and if necessary acoustic ventilation to ensure suitable internal acoustic design targets are met. In addition to this it is further recommended that any venting associated with the package treatment plants are located at least 7m from any residential property including the proposed development.

**DFI Roads** – No objections subject to RS1 form.

### **Objections & Representations**

In line with statutory In line with statutory requirements neighbours have been notified on 04.03.2022. No letters of objection/support have been received in relation to the proposal to date (09/09/2022). The application was advertised in the Down Recorder on 02.03.2022.

### **Consideration and Assessment:**

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 interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

### **Planning Policy Statement 7 – Quality Residential Environments**

Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments (PPS 7) states that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Criterion (a) of Policy QD 1 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 surfaces.

The site is located at 41 Moss Road, within the development limits of Ballynahinch. Along Moss Road there are is an arc shaped line of detached dwellings, mainly bungalows with small well maintained front gardens, driveways and some with integrated garages and generous rear gardens. The dwellings are slightly elevated to the road. A footpath is continuous from the start of Moss road and ends just at the access point entering the site. No 30 Moss Road, is a different style of layout to the other adjacent dwellings at Moss road The site has been cleared of all agricultural buildings, the site leads onto adjacent farmlands albeit within the development limits and has a much more rural feel signifying the end of these detached dwellings at this point. The immediate area is described as being of low density, with the character of the immediate area to be one of individual detached dwellings. As mentioned the dwellings are detached and in the main, the plot frontages range from 10m with approx. depth of 20+m.

The site is currently vacant and void of any buildings which have been demolished since the previous approval on the site, with only the concrete hardstanding remaining.

This is an outline application, with a concept layout has been provided and is similar to the previous approval. The layout provides for 3 detached dwellings which are in linear form running to the south of No 39 Moss Road. The plot frontages are approx. 20m+. The access road to serve the site runs parallel along the eastern boundary and each property has a detached garage, with incurtilage parking for 3 spaces per dwelling. There is approx. a separation distance of 18m between the gable of No 30 and dwelling No 1. A well designed dwelling here would ensure that there would be no issues of overlooking. This dwelling has limited rear amenity space, however, it would be approx. 70m<sup>2</sup> guidance required within Creating Spaces for a dwelling of this size. The adjacent dwelling, while having a slightly irregular rear garden, would also have sufficient distance to the rear boundary and would have above 70+m<sup>2</sup> of private amenity space. Dwelling No 3 the furthest south in the site would also meet the guidelines set out in Creating Places.

The proposed dwellings have a separation distance gable to gable of approx. 11-16m separated also by detached garages that are set back. In terms of existing and proposed properties, the dwellings are a sufficient distance away so as not to create any unacceptable adverse effects in terms of overlooking or overshadowing, this can be a matter reserved in terms of design of the dwellings. While the dwellings are on an elevated site, the front elevations are approx. 12m from the eastern boundary and separated by the access road.

While the footprint of the proposed dwellings would be larger, the character of this part of the Moss Road would allow for a variation in house design. While there is the backdrop provided by the drumlin to the rear, the site is elevated and the dwellings would be visible from the Moss Road when approaching the town from the countryside, so height cannot be excessive and this can also be a matter reserved if the Council were minded to approve the application. There is no significant change from the previous outline approval which has now expired.

#### **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 the proposal would meet the above criteria (A) and (B) and while there are no details of the house design, it could be designed at reserved matters stage to meet with part (C).

#### **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.

##### **Policy AMP 2 Access to Public Roads**

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

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

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

DfI Roads were consulted on the application and offer no objections subject to the RS1 form at reserved matters stage. DfI Roads require access position to be as indicated in accordance with drawing S/M1435/03. The proposal has sufficient parking within each plot.

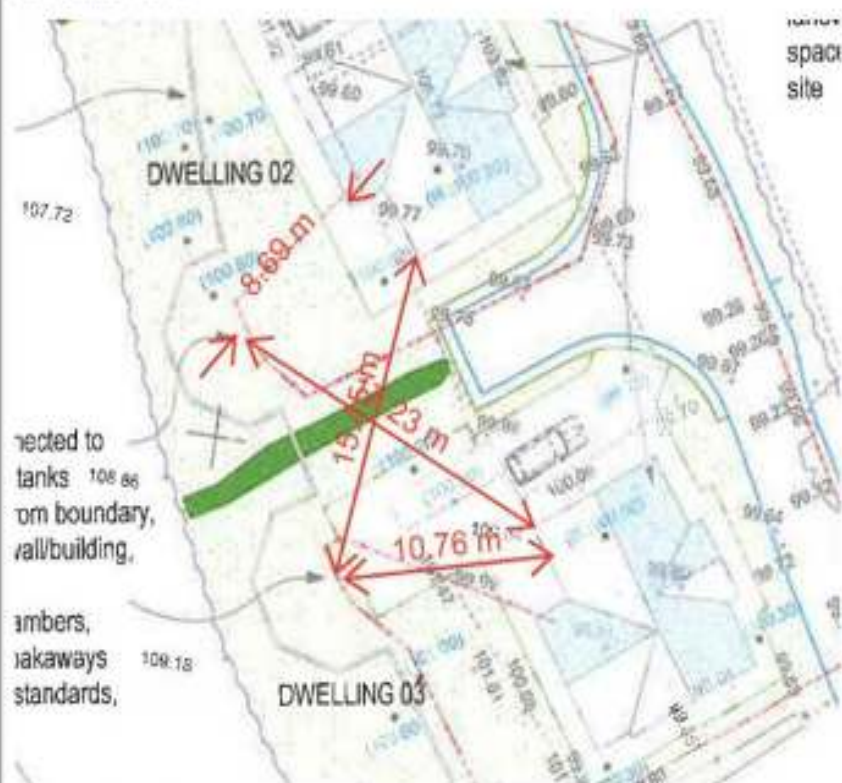


### Impact on Residential Amenity

The dwellings are considered to be sited a sufficient distance from other adjacent dwellings namely No 39 Moss Road to prevent any unacceptable impacts.

Environmental Health were also consulted regarding the proposal and have stated the following:

The residential development is located in close proximity to farm buildings. A separation distance of 75 metres is recommended to prevent odour and noise annoyance. In addition, care should be taken to ensure future occupants of the dwellings are not adversely impacted by noise. Advice should be sought from an acoustic consultant with respect to suitable glazing and if necessary acoustic ventilation to ensure suitable internal acoustic design targets are met. In addition to this it is further recommended that any venting associated with the package treatment plants are located at least 7m from any residential property including the proposed development.



While the Environmental Health comments are noted, residential development has been previously approved on the site, so determining weight would not be attached to these EH comments. It is noted that the package treatment plants are located at least 7m from each of the properties and the proposed development.

### Other Matters

The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. A condition placed on the decision notice should ensure that prior to any development all the necessary connections are obtained by the relevant authorities.



## Conclusion

Based on careful consideration of all the relevant material considerations and planning policy including the history on the site, it is contended that the application would comply with the relevant policies as outlined above and permission should be approved subject to conditions.

## Recommendation:

Approval

The plans to which this approval relate include:

Site Location Map - SM1297/04 RevA

Proposed Site Layout - SM1435 / 03f

## Conditions:

1. As required by Section 62 of the Planning (Northern Ireland) Act 2011, 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: Time Limit.

2. Insofar as expressly conditioned below details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. The development hereby permitted shall take place in strict accordance with the following approved plans: SM1297/04 Rev A & SM1435 / 03f.

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

4. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed buildings and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

	Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.
5.	The development hereby permitted shall have a layout which is broadly in line with the indicative concept layout plan SM1435 / 03f but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.  Reason: In the interests of residential amenity.
6.	The proposed dwellings shall have a ridge height of less than 7 metres above finished floor level.  Reason: To ensure that the development is not prominent and is satisfactorily integrated into the landscape.
7.	A scale plan and accurate site survey at 1:500 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 detailed approved plans prior to the commencement of the development as approved.  Reason: In the interests of Road Safety.
8.	<b>No development shall take place on-site</b> until the method of sewage disposal and storm sewer disposal has been agreed in writing by the Planning Authority in conjunction 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 that a feasible method of sewage disposal is available at the site.
9.	A landscaping and boundary plan shall be submitted as part of the reserved matters application to include details of all existing vegetation retained and any new planting to the boundaries and all boundary treatment. The planting plan as finally approved shall be carried out during the first planting season after the dwellings are occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.  Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
10.	The existing mature vegetation on this site as indicated on existing plan SM1435 / 03, shall be retained unless necessary to prevent danger to the public (except as required to be removed to provide access) or in which case a full explanation shall be given to the Council in writing, and agreed by the Council prior to the commencement of any works.
11.	If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be

<p>planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>	
<p><b>Informatives</b></p> <ol style="list-style-type: none"> <li>1. Upon receipt of this statutory consultation and to discuss any areas of concern, the applicant is advised to contact Waterline on 03457 440088 or <a href="mailto:waterline@niwater.com">waterline@niwater.com</a>. Alternatively, guidance notes and application forms are available to download from NI Water website at <a href="https://www.niwater.com">https://www.niwater.com</a>.</li> <li>2. If consent to discharge cannot be achieved, NIW will require submission of an WWIA to find a solution to allow for connection.</li> <li>3. 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.</li> <li>4. This permission does not confer title. It is the responsibility of the developer to ensure that s/he controls all the lands necessary to carry out the proposed development.</li> </ol>	
<p><b>Neighbour Notification Checked</b></p>	<p>Yes</p>
<p><b>Summary of Recommendation</b> Approval Subject to conditions.</p>	
<p><b>Case Officer Signature: C Moane</b></p>	<p><b>Date: 08 November 2023</b></p>
<p><b>Appointed Officer: A.McAlarney</b></p>	<p><b>Date: 10 November 2023</b></p>

**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures**

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**Date**

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## Committee Application

Development Management Officer Report	
<b>Case Officer:</b> Catherine Moane	
<b>Application ID:</b> LA07/2022/0682/F	
<b>Proposal:</b> Glamping Village, comprising 6no self catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works (farm diversification)	<b>Location:</b> Lands adjacent to Dufferin Avenue approx. 300m north of 9 Castleward Road Strangford
<b>Applicant Name and Address:</b> Maxwell Fisheries Ltd 60 Old Court Strangford BT30 7NG	<b>Agent Name and Address:</b> 10 Castleward Road Strangford BT30 7LY
<b>Date of last Neighbour Notification:</b>	22 June 2022
<b>Date of Press Advertisement:</b>	16 May 2022
<b>ES Requested:</b> No	
<b>Consultations:</b> NI Water – No objections There is a public water main within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. The above information will only be valid for a maximum period of 18 months from the date of this consultation response.  DFI Roads – No objections subject to conditions  Rivers Agency – No objections  NIEA Water Management – No objections subject to a condition  NIEA NED – No objections subject to conditions  NIEA Marine & Fisheries – concerns about climate change and coastal erosion NED has serious nature conservation concerns with this proposal and advises that it may be contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 1, and Natural Heritage, Policy NH 3, in that development would, if permitted, have the potential to have an unacceptable adverse impact on the conservation objectives of the designated sites.	

NIEA Water Management Unit – No objections - subject to: Conditions. Any relevant statutory permissions being obtained. The applicant referring and adhering to DAERA Standing advice.



Environmental Health – No objections

DAERA - DAERA were consulted and have responded that the farm has been in existence for more than 6 years, since 1997. They have also responded that the farm has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in all of the 6 years, proposed site located on land associated with another farm business.

Shared Environmental Services – No objections subject to a condition

**Representations:** None

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

Site Visit Report	
<b>Site Location Plan:</b> Lands adjacent to Dufferin Avenue approx. 300m north of 9 Castleward Road, Strangford.	
	
<b>Date of Site Visit:</b> 5 <sup>th</sup> July 2022	
<b>Characteristics of the Site and Area</b> The site is located just off the Castleward Road on the western outskirts of Strangford Village, outside the settlement limits of Strangford and is accessed via an existing access (private laneway – Dufferin Avenue) which leads to the Old Court Estate. The site is located to the SW portion of an existing field which slopes gradually from north to south and from east to west. The field itself is enclosed by existing mature hedgerows, however, the site is undefined, having been cut from the larger field. The land was in grass at the time of the site visit. The site lies close to the shoreline at Strangford Lough. Castle Ward demesne and gardens (National Trust) is located directly on the opposite side of the bay but is accessed within walking distance of the site. The area is rural in character.	
<b>Description of Proposal</b>	

Glamping Village, comprising 6no self catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works.

### **Planning Assessment of Policy and Other Material Considerations**

The application site is located outside the settlements in the open countryside and within an Area of Outstanding Natural Beauty and LLPA (Local Landscape Policy Area 2 – Old Court, Strangford House and Headland, as designated in the Ards and Down Area Plan 2015

This planning application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards & Down Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 16 – Tourism
- PPS 15 – Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside

Guidance

DCAN 15 – Vehicular Access Standards

### **Objections & Representations**

In line with statutory requirements neighbours have been notified on 08/06/2022. The application was advertised in the Down Recorder 25/05/2022. No objections or letters of support have been received in relation to the proposal.

### **Consideration and 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 located outside settlement limits and is unzoned. There are no specific policies in the plans that are relevant to the determination of the application, so it will be considered under the operational policies of the SPPS and PPS 21.

### **SPPS**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area and it retains certain existing planning policy statements. Amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Taking into account the aforementioned transitional arrangements, PPS21 provides the relevant policy context for the proposal.



## **PPS 21- Sustainable Development in the Countryside**

The main considerations in the determination of this application relate to; principle of development, integration and rural character, tourism, farm diversification, residential amenity, access, natural heritage and climate change.

### **Principle of Development**

Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states there are 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. 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. The proposal comprises 6no self catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works as part of a tourism glamping site for tourism purposes and therefore PPS 16: Tourism will be a relevant consideration. One of the acceptable types of development is also farm diversification in accordance with Policy CTY 11. The application has been submitted with a P1C form.

### **Proposal**

POD A (2 person) camping pod will be comprised of a 3m width extending 5.8m in length and 3.1m in height with overhang, finished in stained timber walls cladding with arched roof (geodesic dome in shape) and will accommodate a sleeping area, shower room & WC and decking area. Each POD B (4 person) camping pod will be comprised of a 6.7m width extending 10m in length and 3.9m in height with overhang, finished in stained timber walls cladding with arched roof and will accommodate a sleeping area, sitting area, shower room and decking area. The service/reception building is rectangular in shape and measures 6.2m x 2.57m approx. with a slight monopitch roof with max height 2.8m finished in timber cladding to the walls and grey trolcal roof. The sauna building is a cylinder and measures 3.4m x 2m and comprises of stained timber.

### **Tourism**

PPS 16 is silent on glamping pod development, however, as the pods are of similar scale to a caravan and have limited facilities, Council has been using Policy TSM 6 to assess these types of proposals.

Policy TSM 6 of PPS 16 relates to new and extended holiday parks in the countryside. New holiday parks will be deemed acceptable where it is demonstrated that the proposal is a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the proposal must respect the surrounding landscape, rural character and site context.

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

The site measures approx. 0.9ha and currently comprises an agricultural field at present.

The proposal involves 6 glamping pods and a managers/reception pod, 1 sauna pod, car parking and landscaping to be sited in part of the agricultural field. The layout is characterised by an informal layout separated by appropriate landscaping.



The scheme is small scale in nature and is well screened from the public road when coming along the Castleward road from the SW and travelling in a NE direction. The site is set well back from this road, down the existing access laneway which already serves the Old Court site. There is a pocket of woodland, outside the site to the SW of the site (under the applicant's ownership) which adds additional screening from the Castleward Road, along with the mature western boundary. The layout shows gravelled pedestrian paths within the site with the parking located on entrance to the site, which is also screened by the existing treelined boundary to the SE of the site. While it is acknowledged that there is a change of levels on the site, the agent provided additional site sections through the site to fully assess the proposal. Given then the small scale clustered form of development with the informal gravel path and the existing planting on the site, along with the low profiled buildings, on balance it is felt that the site would have the capacity to absorb the development without having an adverse impact on the visual amenity and rural character of the area.

**(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;**

An updated site plan (Rev G dated 01/12/2022) has now been provided which includes additional planting around the northern boundary of the development. This will aid integration of the scheme into the surrounding historic landscape and ensure there is no adverse impact upon key views from heritage assets in the surrounding landscape.

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

The areas which are grassed and free from landscaping at present would offer sufficient communal open space as an integral part of 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 proposed layout of pods is informal and each pod is separated by appropriate landscaping and path, avoiding a regimented row of pods. The scheme is small scale in nature where the proposal now presents as a small clustered form of development, set back from the public roadside and is integrated on the site.



**(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;**

The materials and finishes are typical of these types of pod development, the pods are separated by appropriate pathways while the road surface and pathway materials are gravel. Parking is located in a designated area and not beside each pod.

**(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;**

#### Built Heritage

In terms of the built heritage, the proposed scheme is within an archaeologically and visually sensitive location on the western edge of Strangford and opposite the designed landscape of Castle Ward. The site is also within a Local Landscape Policy Area (LLPA 2 – Old Court, Strangford House and headland) defined within the Ards and Down Area Plan 2015. The historic designed landscape of Castle Ward has its origins in the 16th century and is included in the Department's Register of Historic Parks, Gardens and Demesnes of Special Historic Interest. As such, Policy BH 6 of PPS 6 applies in this case (paragraphs 6.16 and 6.17 of the SPPS also apply).

There are a number of regionally important archaeological sites in the local area surrounding the proposed development site including three medieval tower houses in State Care - Audley's Castle, Strangford Castle and Portaferry Castle. Policy BH 1 of PPS 6 also refers in this case.

HED (Historic Monuments) were consulted as part of the process and have reviewed the submitted archaeological impact assessment, visual impact assessment and updated site plan. It is noted from the photomontages submitted that the scheme would be partially visible in some key viewpoints, specifically from the quay and boat house at Castle Ward. An updated site plan (Rev G) has been provided which includes additional planting around the northern boundary of the development. This will aid integration of the scheme into the surrounding historic landscape and ensure there is no adverse impact upon key views from heritage assets in the surrounding landscape.



HED (Historic Monuments) is content that the proposal now satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. This is subject to conditions being attached to any decision notice.

### Natural Heritage

The application lies in close proximity to Strangford Lough.

The application site is adjacent to the following national, European and international designated sites:

- Strangford Lough SPA, SAC and Ramsar, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Strangford Lough Part 2 ASSI, which is declared under the Environment Order (Northern Ireland) 2002.

As part of the submission a Biodiversity Checklist and a Preliminary Ecological Appraisal (PEA) were submitted.

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 on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to a condition being included on any decision notice along with an informative.

NIEA (Including NED) responded initially with their only concern being the siting of the access position (with respect to the felling of trees, that might have affected bat habitat). In order to deal with this issue the agent amended the access position to retain the large tree which was impacted by bat habitat and removed the need for a bat survey to be carried out. However, following on from 3 previous consultations, Marine & Fisheries Division also responded (previously they had not commented).

### Marine Policy Statement & Draft Marine Plan

NIEA Marine & Fisheries Division have advised the Planning Authority that the access road results in being totally within the climate change floodplain boundary. This results in significant concerns regarding coastal erosion and flooding to the site and proposed access road due to the proximity of the marine environment (approx. 30m). Given its location, there may be impacts from or on the development as future changes occur in the coastal zone, such as rises in sea level and coastal erosion. The proposed development must ensure that it does not impact adversely on natural coastal processes or cause associated ecosystem impact. The development should therefore be in accordance with the relevant marine policy documents, as advised by Marine and Fisheries Division.

NED reiterates this concern and note that following internal consultation with Marine & Fisheries Division NED has concerns regarding this proposed development on Strangford Lough designations. Given its location, there may be impacts from or on the development as future changes occur in the coastal zone, such as rises in sea level and coastal erosion. The proposed development must ensure that it does not impact adversely on natural coastal processes or cause associated ecosystem impact. The development should therefore be in accordance with the relevant marine policy documents, as advised by Marine and Fisheries Division, unless relevant considerations indicate otherwise.

In consideration of this issue and in discussion with the applicants' agent, it is noted that the access currently serves a wedding business and a number of residential properties. The applicant is aware that a portion of the road at its lowest point falls within a predicted sea water floodplain (adjusted for climate change). The site is located close to an inland bay which currently benefits from a defence wall. Given the position of the access within this bay, coastal erosion is not considered to have such a significant impact on the sustainability of the access to warrant refusal of the application. It is acknowledged however, that climate change may result in a sea level rise which could prevent the use of this access in the future. However, given that the applicant is in ownership of a substantial area of surrounding land and therefore in the event that the existing access cannot be used, there are alternative means of access to the proposed development through the applicant's land (subject to a separate planning application). In the event of an emergency, there is another private road (entirely under the applicants control) that continues north along Dufferin Avenue to Old Court, and then runs south into Strangford at the northern end of Castle Street. The applicant is advised that any future proposed sea defences would be subject to the planning and/or Marine Licencing regimes including Habitats Regulations Assessment. There is no guarantee that future sea defences would be approved.

The other issue raised relates to potential for pollution of the marine Environment. The agent has advised that the glamping pods will be constructed off site and delivered to site as a completed unit. The only construction works, will be the installation of the gravel paths & parking area, and the elevated decks upon which the pods will be fixed. The issue of any pollution affecting in the marine environment from the WWTW proposed would be subject to a consent to discharge by NIEA. It is considered that the issues raised have been sufficiently considered and that the applicant should familiarise himself with the standing advice and informatives provided by NIEA.

Therefore provided the conditions by NED are adhered to, appropriate pollution prevention measures are implemented during the construction and operational phases of the development, and measures are taken to minimise threats to breeding birds and maintain the availability of nest sites, it is the Planning Authority's view taking also the view of Shared Environmental Services that the proposal is unlikely to have a significant impact on the designated sites.

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

NI Water and NIEA WMU have been consulted as part of the proposal and offer no objections. The applicant intends to discharge surface water to soakaway and to discharge foul to private treatment plant which will require the appropriate consents. There is a public water main within 20m of the proposed development boundary which can adequately service the proposals. An application to NI Water is required to obtain approval to connect.

Environmental Health have been consulted on the application and note the installation of a Package treatment plant on site and have no objections, subject to appropriate consents being granted.

**TSM7 - Criteria for Tourism Development** is also applicable to the application. The following design and general criteria must be met:

**"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.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

#### 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 or a tourism asset, unless a suitable alternative is provided".

Policy TSM 7 of PPS 16 advises that tourism development must be compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area. The site location in this instance is considered suitable as there is a suitable level of integration with surrounding area. The proposal will not detract from the landscape quality and local character found within the LLPA and within the Lecale Area of Outstanding Natural Beauty.

#### **Policy CTY11 – Farm Diversification**



Policy CTY11 states that planning permission will be granted for farm or forestry diversification where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. Para 5.47 further states that this policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri-tourism schemes. It is important that the countryside is not spoilt by the unfettered development of urban uses. Diversification proposals, therefore, should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape.

In terms of the additional criteria outlined within Policy CTY11:

*a) The farm or forestry business is currently active and established*

The justification and amplification section of Policy CTY11 states that the determining criteria for an active and established businesses will be that set out under Policy CTY10. DAERA were consulted and as the applicant doesn't make claims for SFP or similar or hasn't within the required 6 years, CTY 10 allows the applicant to submit other evidence of active farming over the required period. The applicant had provided a farm boundary map DAERA confirm that the business ID number was allocated on 22.03.1997. The agent had asked if the applicant could submit a letter from his accountant detailing the farm profit/loss accounts for the 6 year period, as he doesn't claim SFP, the agent confirmed that the applicant does rent a large portion of the lands to other farmers who do claim SFP. These farm accounts would not detail what the applicant's level of involvement is and would be insufficient to determine that the farm business was active for the required period. Proposal therefore fails to meet criterion (a).

*b) In terms of character and scale it is appropriate to its location*

The proposal involves 6 glamping pods and a managers/reception pod, 1 sauna pod, car parking and landscaping to be sited in part of the agricultural field. The layout is characterised by small informal clusters separated by appropriate landscaping, avoiding regimented row of pods.

Thus as previously discussed under the tourism policy, the proposed character and scale are considered to be appropriate for the location.

*c) It will not have an adverse impact on the natural or built heritage*

As previously discussed, the proposal would comply with this part of the policy and there would be no impact on the built or natural heritage subject to conditions.

*d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.*

Environmental Health have been consulted in relation to the proposal and had no objections. It is not considered the proposal would have a detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell or pollution (as addressed above).

The above proposal does not comply with all of the criteria of CTY 11.

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

Policies CTY13 and CTY14 relate to new buildings in the countryside. Whilst the proposal seeks to erect 6 glamping pods, the proposal would not appear as prominent in the landscape, it is suitably integrated and does not create or add to a ribbon of development.

#### *CTY 16 Development relying on non mains sewerage*

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. Before the pods are in use a consent to discharge should be obtained by the relevant authorities.

#### **Planning Policy Statement 2**

Policy NH 1 is applicable. 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.

In addition, the application site is located within an Area of Outstanding Natural Beauty and as such Policy NH6 is applicable. The choice of materials and the design of the buildings are considered acceptable in the AONB. The proposal is sympathetic to both the character of the AONB and the general character of the area.

#### **Planning Policy Statement 3**

The application proposes to use the existing access onto Castleward Road. DFI Roads have raised no objections. The proposal will not be used for permanent residential accommodation and the existing car parking arrangement is considered to be acceptable. The proposal is considered to be in accordance with Policy AMP2.

**PPS 6 – Archaeology and the Built Environment**

Following submission of an archaeological impact, assessment, visual impact assessment and updated site plan, HED (Historic Monuments) is content that the proposal now satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

**PPS 15 Planning and Flood Risk**

The proposal is assessed against the policies of PPS 15 FLD 1-5.

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

*FLD2 - Protection of Flood Defence and Drainage Infrastructure* – Not applicable to this site.

*FLD3 - Development and Surface Water* – This development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required. We advise it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

*FLD4 - Artificial Modification of watercourses* – Not applicable to this site.

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

DFI Rivers have no objection to the proposal.

**Conclusion**

On balance, taking into account the content and requirements of the relevant policies and consultee comments in particular DAERA who have concerns regarding the proposal, it is concluded the proposed development will not result in any significant or unacceptable impact on the character of this area due to its size, location, extent and nature, nor a significant impact on designated sites that would warrant refusal of the proposal. The proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

**Recommendation:**

Approval

**As the Planning Authority are going against the advice of a consultee, namely DAERA – Marine and Fisheries and Natural Environment Division, this application will have to be presented to the Planning Committee.**

The plans to which this proposal relate include:

Site location Plan – 654-SL01

Proposed site layout plan – 654-PL02 Rev G

Pod A Floorplans and elevations 654-PL04

Pod B floorplan and roof – 654-PL05

Pod B proposed section and front and rear elevations – 654-PL06

Pod B proposed side elevations – 654-PL07

Pod C Proposed reception/office – 654-PL08

Pod D Sauna floorplans and elevations – 654-PL04

Proposed site sections – 654-PL10

**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 approved shall take place in strict accordance with the following approved plans:

Site location Plan – 654-SL01

Proposed site layout plan – 654-PL02 Rev G

Pod B floorplan and roof – 654-PL05

Pod B proposed section and front and rear elevations – 654-PL06

Pod B proposed side elevations – 654-PL07

Pod C Proposed reception/office – 654-PL08

Pod C Proposed reception/office – 654-PL08

Pod D Sauna floorplans and elevations – 654-PL04

Proposed site sections – 654-PL10

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



3. A clearly defined buffer of at least 10 metres shall be maintained between the locations of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the boundary of Strangford Lough SAC/SA/Ramsar.

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

4. No development shall result in any direct discharge of untreated surface water run-off during the construction and operational phases into the adjacent designated sites.

Reason: to ensure protection to the aquatic environment.

5. The existing natural screenings of this site, as indicated on the approved plan 654-PL02G, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.

Reason: To ensure the maintenance of screening to the site.

6. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the buildings for their permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

7. The pods hereby permitted shall be occupied as holiday accommodation only and for no other purpose. Should the pods cease to be used as holiday accommodation for more than 12 months, all structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

Reason: The site is located within the open countryside where it is the policy of the Council to restrict development and this consent is hereby granted solely because of its proposed holiday use.

8. 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: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

9. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing 654-PL02G, and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.

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

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 10.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 10. These measures shall be implemented, and a final

archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

### **Informatives**

1. This approval does not dispense with the necessity of obtaining any other permissions.
2. According to DAERA Marine and Fisheries Division, the coastline of Strangford Lough has been identified as having a Moderate risk of coastal erosion. The applicant is advised that any future proposed sea defences would be subject to the planning and/or Marine Licencing regimes including Habitats Regulations Assessment. There is no guarantee that future sea defences would be approved.
3. Any septic tank or packaged waste water treatment unit should have adequate capacity for the no of proposed dwellings it is to service.
4. Any septic tank or packaged waste water treatment unit should be constructed in accordance with BSEN 12566.
5. The septic tank / packaged waste water treatment unit and drainage field should be installed in accordance with BS6297:2007.
6. A minimum separation distance of 15m is recommended between the wastewater unit and nearest habitable dwelling. Discharge must not be within 50m of any potable water supply.
7. A consent to discharge effluent must be obtained from Northern Ireland Environment Agency, as required by The Water (Northern Ireland) Order 1999 this may involve a percolation test. Application forms and further information is available from Northern Ireland Environment Agency, Water Management Unit. Tel No: 028 926 23150, E-mail: [consentapplications@daera-ni.gov.uk](mailto:consentapplications@daera-ni.gov.uk).
8. Where lands not in the ownership of the applicant or outside the site boundary marked red in the application site maps are to be used in connection with a septic



tank and/or associated drainage, a legal agreement should be obtained in relation to these lands. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement work as required.

9. The applicant shall ensure that the proposed glamping pods have adequate provision for the storage and disposal of waste.
10. Recommended conditions and informatives are set out in DAERA Standing Advice Industrial and Commercial Developments. All DAERA Standing advice referred to in this response unless otherwise stated can be found at the following link [www.daera-ni.gov.uk/water-environment-standingadvice](http://www.daera-ni.gov.uk/water-environment-standingadvice)
11. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
12. The applicant shall ensure that the proposed glamping pods have adequate provision for the storage and disposal of waste. Please refer to the HED guidance document Development and Archaeology: Guidance on Archaeological Works in the Planning Process which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval. Please allow sufficient time in advance of the commencement of site works for the agreement of the programme of archaeological work document with the planning authority and for your archaeological consultant to obtain an archaeological excavation licence. For guidance on the preparation of the programme of archaeological work please contact:  
Historic Environment Division – Heritage Development & Change Branch  
Ground Floor



9 Lanyon Place  
Belfast  
BT1 3LP  
Tel: 02890 823100  
Email: HEDPlanning.General@communities-ni.gov.uk  
Quote reference: SM11/1 MRD 206:062

13. This decision relates to planning control. The Council would advise that if the proposed works require building control only, this should be obtained from the District Council before the works commence. This approval does not cover any other approval which may be necessary under other legislation.
14. Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.
15. NED recommends planting wildflower pollinator mixes with locally sourced native species as part of the landscaping at the site for additional biodiversity enhancement for this development. More information on native planting can be found at: <https://www.daerani.gov.uk/publications/native-speciesplanting-guidance>.
16. NED recommend all retained trees have root protection zones protected to British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.
17. 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.

<p>Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.</p>	
18.	<p>The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:</p> <ul style="list-style-type: none"> <li>a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;</li> <li>b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;</li> <li>c) Deliberately to disturb such an animal in such a way as to be likely to - <ul style="list-style-type: none"> <li>i. affect the local distribution or abundance of the species to which it belongs;</li> <li>ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or</li> <li>iii. Impair its ability to hibernate or migrate;</li> </ul> </li> <li>d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or</li> <li>e) To damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.</p>
19.	<p>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.</p>
20.	<p>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.</p>
<p><b>Neighbour Notification Checked</b> Yes</p>	
<p><b>Summary of Recommendation - Approval</b></p>	
<p><b>Case Officer Signature: C Moane</b> <b>Date: 21 November 2023</b></p>	
<p><b>Appointed Officer: A.McAlarney</b> <b>Date: 24 November 2023</b></p>	



**Environment, Marine and Fisheries Group  
& NIEA**



91

Planning Response Team  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Lower Ormeau Road  
Belfast BT7 2JA  
Telephone: 028 9056 9604

Date: 20 June 2023

Dear Sir/Madam,

**Planning Application Ref.:** LA07/2022/0682/F  
**Location:** Lands adjacent to Dufferin Avenue approx. 300m north of  
9 Castleward Road  
Strangford

**Proposal:**

Glamping Village, comprising 6no self catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works (farm diversification)

Thank you for your consultation on the above which was received by the Department on 21/02/2023.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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

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





This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

### Planning Response Team

On behalf of DAERA

Email: [planningresponse.team@daera-ni.gov.uk](mailto:planningresponse.team@daera-ni.gov.uk)

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## Annex A

Advice Provided By:	Summary
<b>Marine and Fisheries Division</b>	Info provided to consider re Marine Conservation and shellfish population
<b>Water Management Unit</b>	Water Management Unit 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. Any relevant statutory permissions being obtained. The applicant referring and adhering to DAERA Standing advice.
<b>Natural Environment Division</b>	NED has considered the impacts of the proposal and on the basis of the information provided advise the Local Planning Authority that the current proposal may have significant impacts on a designated site and therefore objects to the proposal.

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## Marine and Fisheries Division Response LA07/2022/0682/F

### **Marine Strategy**

#### Shellfish Waters

The application site is adjacent to Strangford Lough, which is a Shellfish Water Protected Area under the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017. The Shellfish Water Protected Area contains commercial shellfish harvesting areas which must meet stringent bacteriological and chemical standards laid down in the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 and the Food Hygiene Regulations (EU 2017/625). This must be taken into account when assessing any plan/project adjacent to a Shellfish Water Protected Area.

As the proposal involves the installation of a wastewater treatment plant then the applicant should ensure that there is no detrimental effect on the quality of the Shellfish Water Protected Area by way of effluent discharge from the wastewater treatment works.

A Consent to Discharge from NIEA for the proposed wastewater treatment plant will be required. Depending on the size and nature of the works, modelling of the effluent may also be required to ensure that coastal water quality is not compromised.

### **Marine Conservation Advice**

#### **Summary**

Marine Conservation Advice (MCA) has considered the impacts of the proposal and on the basis of the information supplied, is content that there should be no adverse impacts on marine conservation, provided [standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#) is

### Marine and Fisheries Division Response

adhered to. We do, however, have **significant concerns** regarding coastal erosion and flooding to the site and the proposed access road due to the distance away from the marine environment (~30m) and that the access road lies totally within the climate change floodplain boundaries.

**Should the Planning Authority be minded to approve this application, DAERA M&FD should be re-consulted and provided with evidence that the Core Policy on Climate Change and Coastal Flooding has been considered and applied.**

When providing evidence, it may be useful to answer the following questions:

- How will the application site, including access, be future proofed from the potential impacts of coastal erosion?
- How will the application site, including access, be made naturally resilient to the potential impacts of climate change?

The above questions should be answered, bearing in mind 'Sea defences along this coastline are not guaranteed and may not be provided or feasible in the future' and the policies on climate change, coastal flooding and coastal erosion should be used to inform your answers. The relevant policies can be found in the 'explanatory information' section of our consultation response.

## Considerations

### Marine Protected Areas

The proposed application site lies adjacent to the following MPAs, which could potentially be impacted by this proposal:

- Strangford Lough SPA and SAC, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);



### Marine and Fisheries Division Response

- Strangford Lough MCZ, which is designated under the Marine Act (Northern Ireland) 2013;
- Strangford Lough Part 2 ASSI, which is declared under the Environment Order (Northern Ireland) 2002, and
- Strangford Lough Ramsar site, which is designated under the Ramsar Convention.

### Marine Mammals

This proposal has the potential to have an adverse impact on the following protected species by causing disturbance and pollution during clearance, construction, operation and maintenance.

- Harbour seal (*Phoca vitulina*) and Grey seal (*Halichoerus grypus*), which are protected under The Wildlife (Northern Ireland) Order 1985 (as amended)
- Cetaceans (whales, dolphins, porpoise) which are protected under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

Furthermore, in relation to the Habitats Regulations Assessment for this project, recent advice, relating to MPAs which have marine mammals as a site selection feature, recommends the following ranges should be used when screening for either Harbour (*Phoca vitulina*) or Grey seals (*Halichoerus grypus*) and Harbour porpoise (*Phocoena phocoena*):

- all SACs within 100km of the project should be screened for Grey seals (*Halichoerus grypus*)
- all SACs within 50km should be screened for Harbour seals (*Phoca vitulina*)
- all SACs within 100km should be screened for Harbour porpoise (*Phocoena phocoena*)

The North Channel SAC (~12km) should be screened for Harbour Porpoise and The Maidens (~77.5km) for Grey Seals. The nearest seal haul outs are ~0.85km from the

### Marine and Fisheries Division Response

proposed development area. Although marine mammals have been observed within Castleward Bay, we do not anticipate any significant adverse impacts from the proposal as the existing woodland along the perimeter of the site provides some screening.

Please refer to the [DAERA Marine Map Viewer for details](#).

### Marine Habitats

This proposal has the potential to have an adverse impact on the following Annex 1 habitats by causing pollution during clearance, construction, operation and maintenance:

- Mudflats and sandflats not covered by seawater at all times
- Large shallow inlets and bays

Please refer to the [DAERA Marine Map Viewer for details](#).

### Marine Species

This proposal has the potential to have an adverse impact on the following Northern Ireland Priority Species, recorded within 2km of the proposed development, by causing pollution during clearance, construction, operation and maintenance.

- *Phoca vitulina* (Harbour seal)
- *Halichoerus grypus* (Grey seal)
- *Phocoena phocoena* (Harbour porpoise)
- *Ascophyllum nodosum* (Knotted wrack)
- *Pleuronectes platessa* (European plaice)
- *Gadus morhua* (Atlantic cod)
- *Squalus acanthias* (Spiny dogfish)
- *Scomber scombrus* (Mackerel)
- *Lophius piscatorius* (Anglerfish/Sea monkfish)
- *Tonicella marmoreal* (Great marbled chiton)
- *Solaster endeca*; Purple Sun Star

**Marine and Fisheries Division Response**

- *Phymatolithon calcareum*
- *Modiolus modiolus* (Horse mussel)
- *Anguilla anguilla* (European eel)

Please refer to the [DAERA Marine Map Viewer for details](#).

**Marine Invasive Non Native Species**

The proposed works are not due to take place in the marine environment, therefore marine invasive non-native species is not a concern.

**Seascape**

The application site is located within the Strangford Lough Regional Seascape Character Area. The existing woodland will provide screening of the proposal; therefore we are content the seascape is unlikely to be significantly impacted.

**Marine Pollution**

The proposed development has the potential to cause marine pollution via construction works and equipment therefore, [standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#) must be adhered to.

**Marine Litter**

Litter Pollution Prevention should be a consideration during all stages of a development's lifecycle, from planning to construction, through to operation and maintenance.

**Climate Change Impacts**

### Marine and Fisheries Division Response

Impacts of climate change include increased sea level rise, coastal erosion, increased storm events and changing coastlines. These impacts may affect the proposed site as well as the marine conservation features as a result of the development. The following impacts should therefore be considered.

### Coastal Erosion

The coastline of Strangford Lough has been identified as having a **Moderate** risk of coastal erosion (See [DAERA Marine Map Viewer](#) - NI Coastal Erosion High Level Risk Appraisal based on the [Baseline Study and Gap Analysis of Coastal Erosion Risk Management NI](#)). Under sea level rise and climate change scenarios where storms are expected to increase in intensity and frequency it is possible that this site may be at a greater risk of erosion than suggested. As the site is approximately 30m from the marine environment we would have concerns that it could be impacted by erosion in the future. Furthermore, the proposed access road is located directly adjacent to the lough and is likely to be under greater threat than the proposed glamping pods.

### Coastal Flooding

[DfI Flood mapping](#) shows that the application site lies **adjacent to** predicted climate change sea floodplain boundaries, making areas of this proposed development site more vulnerable to flooding in the future, especially if sea level rise above the limits used in the DfI Flood Maps. Further to this, the proposed access road is completely within this floodplain boundary and may become unusable, restricting access to this site. We would recommend that the applicant and planning authority consider how the proposal may be impacted by flooding and climate change in the future and these potential risks must be taken into consideration in line with policy guidance outlined in 'explanatory information'.

### Explanatory Information

#### Sea Level rise



### Marine and Fisheries Division Response

The recently published evidence report for [CCRA3](#) provides a series of projections of sea level rise for Belfast Northern Ireland. The projections detailed in this report show that sea level is expected to rise between 0.14 – 0.16m in 2050 and 0.27 – 0.58m in 2080. Although this application is outside of Belfast the results can be used to consider sea level rise in other areas of Northern Ireland. While the [IPCC report 'Climate Change 2021: The Physical Science Basis'](#) states that global sea levels are projected to increase by 0.28-0.55m by 2100 under SSP1-1.9 (the lowest Green House Gas emissions scenario) or by as much as 0.63 – 1.01m by 2100 under SSP5-8.5 (the highest Green House Gas emissions scenario).

### Climate Change and Coastal Flooding

As the site is vulnerable to flooding and damage caused by increased periods of storminess, the following policy guidance must therefore be considered:

#### Relevant Policies and Plans

The following documents provide the policy framework for planning authorities in making their decisions with particular reference to the marine environment:

- The UK Marine Policy Statement (MPS);
- The Draft Marine Plan for Northern Ireland;
- Strategic Planning Policy Statement (SPPS); and
- Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026.

Planning decisions (authorisations and enforcement) that affect or might affect the whole or any part of the Northern Ireland marine area, must be made in accordance with marine policy documents, unless relevant considerations indicate otherwise.

The marine area includes the sea (below mean high water spring tide); and estuaries, rivers or channels so far as the tide flows at mean high water spring tide (tidal waters).

#### Marine UK Policy Statement

## Marine and Fisheries Division Response

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

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

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

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

## Draft Marine Plan for Northern Ireland

A marine plan becomes a consideration in all relevant planning decisions once it is published for public consultation. The NI Marine Plan was published for public consultation on 18 April 2018. The Plan must be used for all planning decisions for the sea, coast, estuaries and tidal waters, as well as developments that impact, or

### Marine and Fisheries Division Response

might impact, these areas, such as infrastructure. **All public authorities are responsible for implementing the Plan through existing regulatory and decision-making processes.** As well as public authorities, all applicants, third parties and advisors should also consider the Plan. Proposals should conform to all relevant policies, taking account of economic, environmental and social considerations.

### Core Policy: Climate Change

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

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

- a) How the impact has been considered; and*
- b) Measures to address the adverse impact, where appropriate."*

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

### **Coastal Erosion**

### Marine and Fisheries Division Response

Marine and Fisheries Division advises that there is no specific legislation to manage coastal erosion risk management in Northern Ireland, such as the Coast Protection Act 1949 which regulates matters in England, Wales and Scotland. As such no central Government Department currently has legislative responsibility for it.

At present there is no systematic collection of data to measure how the Northern Ireland coast is changing over time. There have been some one-off studies covering limited areas of the coast and there is also some limited information in the scientific literature but overall there is currently insufficient baseline scientific information to inform coastal management decisions making.

### Baseline Study and Gap Analysis of Coastal Erosion Risk Management

Previous Ministers of DAERA and for Infrastructure recognised that the approach may be outdated and jointly commissioned a "*Baseline Study and Gap Analysis of Coastal Erosion Risk Management in Northern Ireland*". This report was prepared by Amey Consulting with HR Wallingford and was reported in January 2019. The report concluded that the data currently available is insufficient for effective management of our coast; more information is required to bring our understanding of coastal change to a sufficient level.

As part of this project, a high-level preliminary vulnerability assessment of coastal erosion along the Northern Ireland coast was undertaken. This identified areas at **potential risk** of erosion, coinciding with areas of high physical asset value as well as high historic and natural asset value. Due to the high-level nature of this assessment and the lack of coastal change specific data, allocation of risk ranking is arbitrary. Consequently, the reliability of the vulnerability mapping must be approached with a high degree of caution until such times as the exercise can be repeated utilising appropriate, more detailed scientific data. Results must be considered as preliminary and cannot solely be relied upon to inform coastal management decision making.



### Marine and Fisheries Division Response

However, while areas identified as being at "high risk" of erosion may not necessarily be eroding, they should be regarded as priority areas for further study on coastal change and where a **precautionary approach** should be adopted by the decision maker. Furthermore, while the authors acknowledge the limitations of the study, it is recorded that findings do align both with other assessments and anecdotal evidence.

### The Precautionary Principle

At present, scientific data on coastal change is piecemeal; no detailed, reliable, baseline data for all of the coastline is available. The impact of climate change, sea level rise and increased storminess is largely unknown, however, it is now widely accepted that climate change is happening and at a considerably faster rate than previously advised. Storms are increasing in frequency and intensity and sea level is rising. Therefore, in the absence of reliable, scientific information on coastal change it is recommended that we should defer to the precautionary principle, particularly in areas known to be experiencing coastal flooding and/or erosion.

The **UK Marine Policy Statement** advises the consideration of the precautionary approach. **Section 2.6.8.4** states:

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

This approach is also reflected in the draft **Marine Plan for Northern Ireland** under paragraph 119 of the **Coastal Processes** policy which requires public authorities to apply a precautionary approach in assessing proposals, including when considering the impact of proposals on national and international natural heritage resources (paragraph 228).

**While the impact of climate change, sea level rise and increased storminess is largely unknown, it is now widely accepted that climate change is happening**

#### Marine and Fisheries Division Response

**and at a considerably faster rate than previously advised. Storms are increasing in frequency and intensity and sea level is rising. Therefore, in areas known to be experiencing coastal flooding and/or erosion, a precautionary approach should be taken.**

#### Strategic Planning Policy Statement 2015

The SPPS has a statutory basis under Part 1 of the Planning Act (Northern Ireland) 2011 which requires DfI to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. It has been agreed by the Northern Ireland Executive and it is judged to be in general conformity with the Regional Development Strategy 2035.

**The provisions apply to all of Northern Ireland and are material to all decisions on individual planning applications and appeals.** For applications adjacent to the marine environment appropriate provisions can therefore be selected, particularly if the application is in an undeveloped area; in an area of coastal squeeze; in an area where coastal erosion is apparent; in an area of increased vulnerability to the effects of climate change; in an area at risk of flooding; or is highly exposed to the impact of storms.

The most relevant sections are as follow:

- Mitigating and adapting to climate change - Section 3.13
- Preserving and improving the built and natural environment – Section 4.38 and 4.39
- Coastal development - Section 6.33
- Regional strategic objectives - Section 6.35.
- Regional strategic policy – Section 6.34, 6.37, 6.38 and 6.42
- Implementation - Section 6.43 and 6.46

#### Mitigating and adapting to climate change

- **Section 3.13** of the SPPS states that *"The planning system should therefore help to mitigate and adapt to climate change by ... avoiding development in*

## Marine and Fisheries Division Response

*areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms".*

## Preserving and improving the built and natural environment

- **Section 4.38** of the SPSS states that *"Our environment must therefore be managed in a sustainable manner in accordance with the Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity"*.
- **Section 4.39** states the *"It must also be recognised that the importance of the environment however goes far beyond the immediate benefits it can provide. Safeguarding our unique landscape and biological diversity also makes an important contribution to the protection of the wider global ecosystem. It is therefore critical that this vital asset is preserved and improved for the enjoyment and benefit of future generations"*.

## Coastal development (squeeze)

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

This would be applicable to further development or hard sea defences at the coast. Those coasts already protected and/or developed have lost their ability to change in response to dynamic forcing, especially during storm events and to longer term natural changes in sediment supply and volume. At a time of sea level rise, the ability of a coastline to naturally adjust is important, and where possible, should not be prohibited.

## Northern Ireland Climate Change Adaptation Programme 2019-2024

### Marine and Fisheries Division Response

Northern Ireland is required by the Climate Change Act 2008 to develop a rolling programme of climate change risk assessments and adaptation programmes. The current Climate Change Adaptation Programme is for the period 2019-2024. The Adaptation Programme sets out Northern Ireland's preparation of climate change impacts which are already happening and puts in place plans for future impacts. The ultimate aim of the programme is to build a more resilient Northern Ireland.

The actions identified in the Adaptation Programme are in response to the risks identified in the Climate Change Risk Assessment 2017. The Climate Change Risk Assessment 2017 identified risks to coastal communities, infrastructure, habitats and heritage from coastal erosion, storms and sea level rise. To manage these risks the Climate Change Adaptation Programme has the following outcome objective:

- Natural Capital Outcome 2 - *"to have coastal communities, habitats, landforms and infrastructure that are resilient to the impacts of climate change"*.

### Seascape

The application site lies within the Strangford Lough Regional Seascape Character Area. In accordance with the UK Marine Policy Statement 2.6.5.3 and 4, in considering the impact of an activity or development on seascape, the public authority should take into account existing character and quality, how highly it is valued and its capacity to accommodate change specific to any development. Landscape Character Assessment methodology may be an aid to this process. For any development proposed within or relatively close to nationally designated areas the public authority should have regard to the specific statutory purposes of the designated areas. The design of a development should be taken into account as an aid to mitigation.

### Marine Litter



### Marine and Fisheries Division Response

Marine litter created during clearance, construction and operation over the lifetime of the development. Marine litter is defined as items arising from human activity, deliberately discarded or unintentionally lost, that end up in the sea and on beaches and coastlines. Marine litter is any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. Marine litter can cause significant impacts to marine ecosystems, including direct damage to wildlife through entanglement, entrapment and/ or ingestion and can also destroy coastal habitats, by interfering with biological production and smothering of the seabed.

### Policy Requirement – Marine litter considerations

The Marine Strategy Regulations 2010, as amended, impose a general duty on government departments to take measures to achieve good environmental status in marine waters. They also place a duty on public authorities to have regard to the UK Marine Strategy which has been developed in accordance with the Regulations when exercising their functions. The objective of the UK Marine Strategy is to achieve good environmental status in marine waters. In respect of marine litter, this is ensuring that the properties and quantities of marine litter do not cause harm to the coastal and marine environments.

### Draft Marine Plan for Northern Ireland

The Marine Plan for Northern Ireland will inform and guide the regulation, management, use and protection of our marine area. DAERA consulted on the Draft Marine Plan for Northern Ireland in 2018 and work is on-going to further develop it.

The draft Marine Plan for Northern Ireland provides a framework of policies to be considered by public authorities taking decisions which affect or might affect the marine area through decision making processes. It is a material consideration in this regard.

Public authorities must consider the potential risk of litter entering the marine area as a result of proposals. Where a proposal creates the potential for litter to enter the marine area, a public authority may require the proposer to demonstrate:

## Marine and Fisheries Division Response

- a) how the risk has been considered; and
- b) appropriate measures to minimise the risk.

Information on how this is to be achieved is set out in paragraphs 187 to 199 of the Draft Marine Plan for Northern Ireland

(<http://www.daerani.gov.uk/sites/default/files/consultations/daera/Marine%20Plan%20for%20NI%20final%2016%2004%2018.PDF>)

## Informatives

### **European and National Marine Protected Areas**

The applicant's attention is drawn to the fact that the proposal is adjacent to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site but outside the proposed red line boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

### **Marine National Protected Species – Seals**

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 disturb, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*).

It is also an offence to intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,

### Marine and Fisheries Division Response

- damages or destroys anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.

The Wildlife (Northern Ireland) Order 1985:

<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-other-animals>

### Marine National Protected Species – *Fish (inc Sharks) and invertebrates*

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, injure or kill a wild animal included in Schedule 5 of this Order. This includes <sup>1</sup>Angel shark (*Squatina squatina*), <sup>1</sup>Common skate (*Dipturus batis*), Short snouted seahorse (*Hippocampus hippocampus*), Spiny seahorse (*Hippocampus guttulatus*), Spiny lobster (*Palinurus elaphus*) and Fan mussel (*Atrina fragilis*).

It is also an offence intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
- damage or destroy anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

<sup>1</sup> Common skate and Angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.



Marine and Fisheries Division Response  
The Wildlife (Northern Ireland) Order 1985

<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-other-animals>

**Standing Advice**

The applicant's attention is drawn to the following links which provide standing advice to be considered:

- [Planning in the Coastal Area](#)
- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Wildlife Disturbance](#)
- [Marine Map Viewer](#)
- [Decisions affected by marine policy - authorisation decisions](#)

Further advice can be sought from the Marine Conservation Advice Team, DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel: 028 90 569 532 or email: [Marine.Wildlife@daera-ni.gov.uk](mailto:Marine.Wildlife@daera-ni.gov.uk)



**Water Management Unit****Section Reference: LA07/2022/0682/F**

WMU/PC/ 34508-3

**Considerations:**

Water Management Unit 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.
- Any relevant statutory permissions being obtained
- The applicant referring and adhering to DAERA Standing advice

**Conditions:**

Recommended conditions and informatives are set out in DAERA Standing Advice Industrial and Commercial Developments.

**All DAERA Standing advice referred to in this response unless otherwise stated can be found at the following link [www.daera-ni.gov.uk/water-environment-standingadvice](http://www.daera-ni.gov.uk/water-environment-standingadvice)**

**Explanatory Note:**

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments.

The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.

**Informatives:**

The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments.

The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

**Section Reference:** CB31856

**Planning Reference:** LA07/2022/0682/F

### Summary

NED has considered the impacts of the proposal and on the basis of the information provided advise the Local Planning Authority that the current proposal may have significant impacts on a designated site and therefore objects to the proposal.

### Considerations

The application site is adjacent to the following national, European and international designated sites:

- Strangford Lough Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar 2.2.1971 (as amended);
- Strangford Lough SPA and SAC which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Strangford Lough Part 2 ASSI, which is declared under the Environment Order (Northern Ireland) 2002.

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives.

NED has considered the proposal and highlights the following as potential impacts on the designated sites;

Potential Impacts	Designated Site Considerations
Degradation to the marine water environment (marine and coastal) through pollution.	<p>NED has considered the relevant documents and drawings to date (02/06/2023) uploaded to NIPP for the proposed development regarding the proposed glamping Village, comprising 6no self-catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works (farm diversification).</p> <p>NED note following internal consultation with Marine &amp; Fisheries Division (date received, 10/03/2023) that the revised site layout (date stamped, 12/04/2021) results in the access road being totally within the climate change floodplain boundary. This results in significant concerns regarding coastal erosion and flooding to the site and proposed access road due to the proximity of the marine environment (approx. 30m).</p> <p>NED has concerns regarding this proposed development on Strangford Lough designations. Given its location, there may be impacts from or on the development as future changes occur in the coastal zone, such as rises in sea level</p>

	<p>and coastal erosion. The proposed development must ensure that it does not impact adversely on natural coastal processes or cause associated ecosystem impact. The development should therefore be in accordance with the relevant marine policy documents, as advised by Marine and Fisheries Division, unless relevant considerations indicate otherwise.</p> <p><u>NED refers to the response provided by Marine and Fisheries Division which provides further information to be considered.</u></p>
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NED has serious nature conservation concerns with this proposal and advises that it may be contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 1, and Natural Heritage, Policy NH 3, in that development would, if permitted, have the potential to have an unacceptable adverse impact on the conservation objectives of the designated sites.

### Informative

The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment:

<https://www.daera-ni.gov.uk/articles/standing-advice-0>

### Other Natural Heritage Interests

NED acknowledge receipt of amended plans which show the retention of trees (please note retained trees should be protected in accordance with BS 5837:2012 Trees in relation to design, demolition and construction) on site. NED will not provide any further comment on *other natural heritage interests* due to the serious nature conservation concerns with this proposal that have been detailed above within the *designated sites* section of this response.



## Committee Application

Development Management Officer Report	
<b>Case Officer:</b> Jane McMullan	
<b>Application ID:</b> LA07/2023/3229/F	<b>Target Date:</b>
<b>Proposal:</b> Internal refurbishment as well as alterations to main entrance. Roof replacement and additional car parking	<b>Location:</b> 55 Windmill Street, Ballynahinch, BT24 8HB
<b>Applicant Name and Address:</b> Newry Mourne and Down District Council Downshire Civic Centre Downshire Estate, Ardglass Road Downpatrick BT30 6GQ	<b>Agent Name and Address:</b> AECOM The Clarence West Building 2 Clarence Street West Belfast BT2 7GP
<b>Date of last Neighbour Notification:</b>	24 November 2023
<b>Date of Press Advertisement:</b>	4 October 2023
<b>ES Requested:</b> No	
<b>Consultations:</b> DFI Consult 20/11/2023	
<b>Representations:</b>	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
<b>Summary of Issues:</b>	

## Site Visit Report

### Site Location Plan:



**Date of Site Visit: Nov 2023**

### Characteristics of the Site and Area

The application site comprises Ballynahinch Community Centre which is set to the SE side of Windmill Street in Ballynahinch. The site lies within the settlement of Ballynahinch and is surrounded by a mix of land uses including retail, residential and open space. To the NE side of the community centre is a multi use 3G pitch and to the rear is a green grassy area and a playground. There is a gated entrance along the pavement for when the facility is closed.





### Description of Proposal

Internal refurbishment as well as alterations to main entrance. Roof replacement and additional car parking

### Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement of Ballynahinch as designated in the Ards and Down Area Plan 2015 and as such Policy COY 1 is the relevant policy document, which is read in conjunction with the SPPS and PPS 3.

#### PLANNING HISTORY

##### Planning

Application Number: W/1991/0084	Decision: Permission Granted	Decision
Date:		

##### Proposal: Dwelling

Application Number: R/1985/0399	Decision: Permission Granted	Decision
Date:		

##### Proposal: COMMUNITY HALL

Application Number: R/1978/0303	Decision: Permission Granted	Decision
Date:		

##### Proposal: DEMOLITION OF NOS 49-79 WINDMILL STREET, ERECTION OF LEISURE CENTRE

Application Number: R/1979/0999	Decision: Permission Granted	Decision
Date:		

##### Proposal: TOWN PARK

Application Number: R/2009/0245/F	Decision: Withdrawal	Decision Date: 12 November 2009
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##### Proposal: 15m street furniture column with shroud containing antennae, 1x equipment cabinet.

Application Number: R/2010/0468/Q	Decision: Enquiry: Other Letter Issued
Decision Date: 11 June 2010	

##### Proposal: Leisure Facilities for DDC at Ballynahinch and Newcastle.



Application Number: R/2009/0180/Q Decision: Enquiry:Other Letter Issued

Decision Date: 11 September 2013

Proposal: Enquiry re proposed O2 mobile phone mast.

Application Number: LA07/2017/0111/F Decision: Permission Granted Decision Date: 23 June 2017

Proposal: Replacement of existing all weather pitch & 3 metre chain link fence to new muga pitch with associated drainage works. The erection of new 3 metre high sports fence, 5 metre high sports fence at roadside, with 2 number access gates.

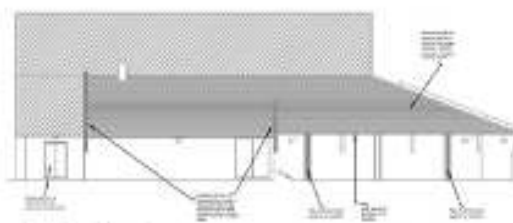
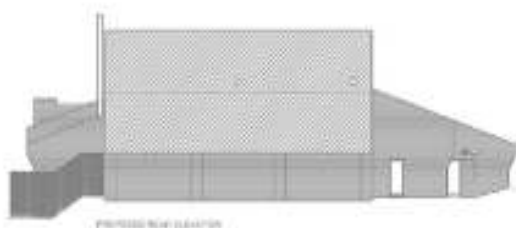
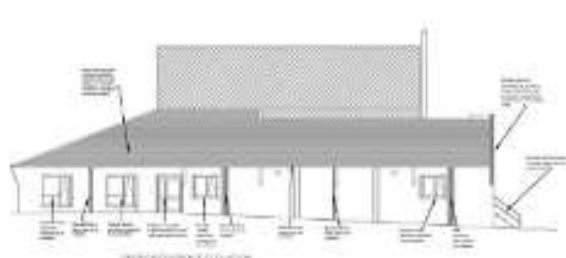
### CONSULTATIONS

DFI Roads - no objection to this proposal.

### EVALUATION

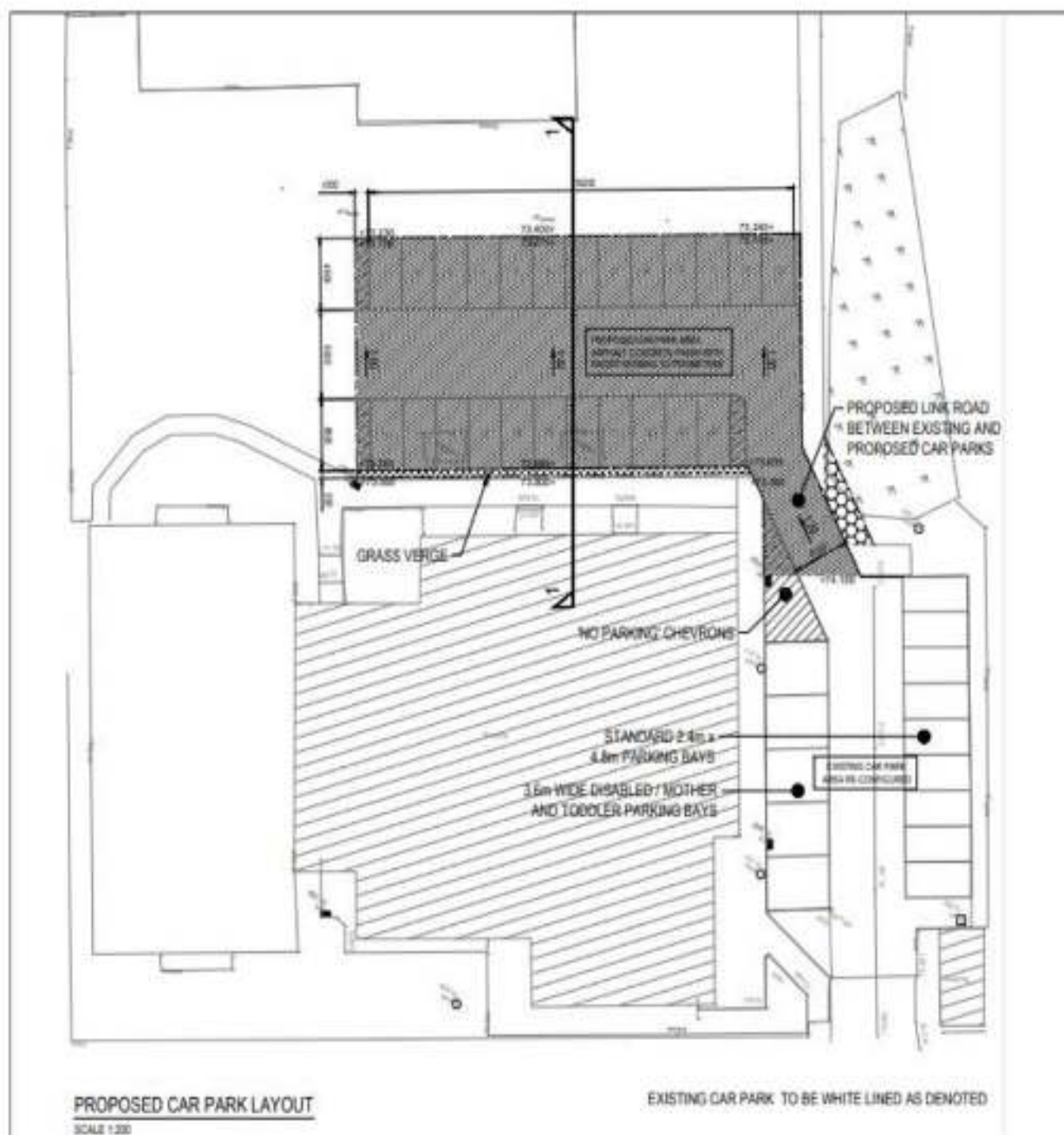
The proposal seeks permission for the following:

- Internal refurbishment
- Alterations to the main entrance
- Replacement doors and RWGs
- Roof replacement
- Additional car parking



The green grassy area to the rear of the community centre will be partially given over to the creation of additional parking as shown in dark grey below.





## Consideration & Assessment

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

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

retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. There are no conflicts in this instance.

## **SPPS**

Paragraph 3.8 of the SPPS states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The proposed alterations to the building itself are all considered to be fairly modest and will not result in a significantly altered building. None of the internal alterations will require planning permission. The replacement roof will be finished in more Kingspan aluminium sheeting which it is already finished in. The window and RWG alterations to the facades are considered minor alterations which will not hugely impact the way the Community Centre will appear in views along Windmill Street. a significant portion of the community centre is well screened by planting and a fence and Officers are satisfied that the creation of additional parking to the rear of the community centre is not harmful given that the site already has more visually prominent parking, and it sits across from a large public carpark within the town centre. The playpark area remains in situ with a large green area of park remaining further to the south.

Officers consider that the proposed alterations are modest in scale and appropriate in design. It would have a minimal impact upon the surrounding character of the area.

There would remain adequate carparking facilities on the site and there would remain a sufficient access to the building. There would not be any harmful impact upon the residential amenities of the nearest residents given that there is no increase in bulk or mass.

As such, the proposed development would not result in any demonstrable harm to interests of acknowledged importance and is in accordance with the guidance of the SPPS.

## **COY 1**

Policy COY 1 of ADAP 2015 states that Planning permission will be granted for community uses provided all the following criteria are met:

- There is no significant detrimental effect on amenity,
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites,
- The proposals are in keeping with the size and character of the settlement and its surroundings,
- Where necessary, additional infrastructure is provided by the developer, and

- There are satisfactory access, parking and sewage disposal arrangements.

The proposed alterations to the community centre itself, as mentioned above, will not result in any harmful impact upon surrounding amenity given that there would not be any increase in bulk or mass of the buildings and the building is to remain as a community centre with sports facilities. The creation of additional parking would not harmfully impact surrounding amenities either considering that there is parking already in place as existing, and it is not considered to be harmfully close to residential dwellings.

There alterations would not prejudice the comprehensive development of surrounding lands given it is all contained within the existing site. The proposal is also considered to be in keeping with the size and character of the settlement and its surroundings.

DFI Roads were consulted and are satisfied with the new parking layout. There is sufficient parking, in considering the town centre location opposite a large carpark.

### **PPS 3 Access, Movement and Parking**

The proposed area of additional parking will provide an additional 24 spaces above the small area of existing parking it would link to the existing parking which is already on the site. Officers are satisfied with this additional parking provision.

DFI Roads were consulted on the proposal and have not offered any objections to the proposal.

As such, the proposal is considered to be in accordance with all relevant policies and is therefore considered acceptable. Approval is recommended.

<b>Neighbour Notification Checked</b>	Yes
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### **Summary of Recommendation**

*Approval, subject to conditions*

#### **Conditions:**

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 001, 002, 004, 006 and 008.

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

<b>Case Officer Signature: J McMullan</b>
<b>Date: 27 November 2023</b>
<b>Appointed Officer: A.McAlarney</b>
<b>Date: 27 November 2023</b>






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

### Delegated Application

Development Management Officer Report		
<b>Case Officer:</b> Fionnuala Murray		
<b>Application ID:</b> R/2014/0471/F		<b>Target Date:</b>
<b>Proposal:</b> Proposed 250kw Wind Turbine with hub height of 40m		<b>Location:</b> Approx 180m North of 11 Moneylane Road Dundrum
<b>Applicant Name and Address:</b> Yvonne Fitzpatrick 161 Newcastle Road Kilkeel BT34 4NN		<b>Agent Name and Address:</b> K'lar Consultancy 11 Ballyalton Park Ardsmeen Downpatrick BT30 7BT
<b>Date of last Neighbour Notification:</b>		
<b>Date of Press Advertisement:</b>		16th September 2014
<b>ES Requested:</b> No		
<b>Consultations:</b> As detailed below		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<b>Representations:</b> 0		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues:</b>		

Site Visit Report
<p><b>Site Location Plan:</b></p> 
<p><b>Date of Site Visit:</b> 19th May 2015.</p> <p><b>Characteristics of the Site and Area</b></p> <p>The site in question is located off the Moneylane Road, on agricultural lands that are on elevated ground. There is what appears to be a disused or lightly used farm complex between the site and the road. The site is located on high ground set back from the Moneylane Road.</p> <p>The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is not within any particular restricted areas but is in close proximity to the Mourne AONB.</p>
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Site history</b></p> <p>There is no relevant site history in relation to the application on the site in question or on the surrounding lands.</p> <p>Consideration of the proposal – the application is considered against PPS 18 Renewable Energy, SPPS, PPS 18 Best Practice Guidance and Supplementary Planning Guidance “Wind Energy Development in NI’s Landscapes.</p> <p><b>Consultation Responses</b></p> <p>BT Network – no objections</p> <p>Belfast International Airport – No objections</p> <p>NI Water – No objections</p> <p>NATS Safeguarding – No safeguarding objection</p> <p>PSNI Information and communication - No objections</p> <p>Transport NI – No objections</p> <p>Environmental Health – No objections</p> <p>DIO Land Management and Disposals NI – No objection</p> <p>DIO Safeguarding – no objections</p> <p>Newry, Mourne and Down Environmental Health were consulted on the application and following additional information have no objections to the application provided conditions are attached to the approval. No returned consultations offered any objections.</p> <p>Shadow flicker also needs considered on the application, the turbine to the hub is 40m in height and the</p>

blades measure at 14m in length. The diameter is noted as 29m on the drawing so to ensure an accurate calculation is achieved 290m for 130 degrees either side of north will be considered. From calculations it would appear that a shadow flicker assessment would be required at property no 19 as it is within the 290m however it would appear that this is not an occupied property and could not be reasonably occupied at present and therefore the assessment is not required. No other dwellings appear to require a shadow flicker assessment to be carried out, there would also not appear to be any issue with blade throw.

Consideration is now given to the impact on the landscape character and the visual amenity of the area. It is noted that the site is located on rather open agricultural lands located on high ground and as a result is highly visible right down to where the base of the turbine would sit, this is along the Dromara Road and is not just visible in snippets but is visible for considerable distances and at different sections along the Dromara Road, as the visual analysis submitted by the agent demonstrates. The size and scale of the turbine adds to the negative impact however the site itself is not acceptable due to the visual sensitivity of the area and the hilly, exposed nature of the site. The

The turbine is also visible in sections along other surrounding roads including the Holybush Road however there are no direct views of the full turbine from Holybush Road and there is an acceptable distance from the site to allow the turbine to integrate into the landscape.

The turbine is also visible from more long distance views, the turbine will read with the turbines located along the shore near Minervestown and Tyrella and consequently the turbine located on the Castlewellan Road, between Newcastle and Castlewellan. It is however not considered that reading the turbines across such a distance could be considered to cumulative.

It is considered that the turbine will have a negative visual impact, it is noted that when the base is highly visible the turbine creates a much greater visual impact, an example of such is the turbine located between Annacloy and Ballynahinch, the disruption of the ground work and the exposed base and associated cabinets create a detrimental impact on the visual amenity of the area.

The site is also in close proximity to Shaque Hill site of local nature conservation and importance (SLNCI) as defined in the Ards and Down Area Plan 2015 in which policy CON 3 states that planning permission will not be granted for any development proposals that would be liable to have an adverse impact on the nature conservation interests of these sites, given the close proximity to the site there is likely to be a negative impact on it. Shaque Hill would be considered to be a locally significant feature and the turbine if approved would be competing with this feature and would therefore detract from it.

PPS 6, Planning, Archaeology and Built Heritage NH6 is considered as the site lies in the Mourne AONB and it is considered that the siting and scale of the turbine is not sympathetic to the special character of the area in general and in particular the views of the Mournes when read in context with the surrounding area. There is a high scenic value across the whole area, including the bay and coastal line as well as the most significant feature being the Mournes and rolling foothills.

The turbine appears to be located within Landscape character area of 91 however is in close proximity to 85, therefore both will be taken into consideration.

LCA 85 – Newcastle Valleys, north of Newcastle and west of Dundrum, this landscape forms an important setting for Dundrum, and the area is important for the views of the Mourne Mountains. This area is given a rating of high sensitivity.

LCA 91 – Quoile Valley Lowlands – the lands surrounding Dundrum Bay and the southern fringes of the LCA are valued for their scenic quality and form part of the Mourne and Strangford and Lecale AONBs. The overall sensitivity of the area is high.

It is not considered that there will be any impacts in terms of bio diversity, it is noted that while the turbine is located in the central parts of an agricultural field where there are good boundaries to the site of planted hedges the turbine is located 50m from the boundary and it is not felt there is a need to consult with NIEA in relation to Bat activity. There are no additional built heritage or monuments in the area needing consideration.

Natural resources such as air quality and water quality will not be affected as a result of the turbine, noise issues have been considered by Environmental Health who offer no objections.

The turbine will not affect the public access to the countryside due to the location in in a wider agricultural field.

This turbine location is not likely to offer any demonstrable harm in terms of commissioning or the decommissioning of the proposal should approval be given, it would be conditioned that the turbine would be removed within 6 months of the plant becoming redundant.

It is considered however that this turbine in this location will have an unacceptable impact on the visual amenity, the site is located in close proximity to Dundrum and does read with the wider setting including the Mourne area. When travelling along the Dromara Road which does offer high scenic and in places uninterrupted views of the Mournes and the coastal area the turbine sitting on the face of the height with the base fully exposed is felt to offer a negative visual impact and would affect overall landscape character of the area.

The turbine will also read with the other turbines along this stretch and while the agent has not provided view points from the wider area it is considered that the turbine will add to the impact of the existing turbines in the area reading along the coastal route.

The size of the turbine is in keeping with others approved and erected in the area however it is noted that the size of the turbine is not the only issue with the turbine as it is not considered any turbine in this area would visually integrate.

There is no evidence to suggest that the turbine would lead to a significant risk of landslide or bog burst. Sufficient consultation has been carried out in relation to the interference of the turbine in relation to communications and no objections have been offered.

Transport NI has no objections to the application and it is noted that the site is a suitable distance from the road to avoid disruption.

The application was discussed and the agent was made aware that the application is not considered to be acceptable in terms of the following:

- The Proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 21 in that there is no overriding reason for this proposal in the Countryside.
- The Proposal is contrary to policy RE1 of PPS18: "Renewable Energy" as it has not been demonstrated that the development will not have an unacceptable impact on visual amenity or landscape character through the scale, size and siting of the wind turbine or that the development will not cause significant detrimental change to the rural character of the area.
- The Proposal is contrary to PPS 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty in that the proposal is not of an appropriate design, size and scale for the locality and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
- The proposal is contrary to Policy PPS16, TSM 8 Tourism in that the site lies within an area designated as AONB and the development would, if permitted, damage or destroy the intrinsic character and quality of this tourist asset by reason of its location, height, scale and massing.
- The Proposal is contrary to the Ards and Down Area Plan 2015 as the proposal is in close proximity to Shaque Hill site of local nature conservation and importance and would have a detrimental impact on the SLNCI

Case officer – recommendation – refusal on the above grounds.

Neighbour Notification Checked	Yes
Summary of Recommendation	
Conditions/Reasons for Refusal:	
Case Officer Signature:	
Date:	



Application ID: R/2014/0471/F

Appointed Officer Signature:		27-01-16
Date:		

## Delegated Application

Development Management Officer Report	
<b>Case Officer:</b> Catherine Moane	
<b>Application ID:</b> LA07/2020/1889/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for up to 6 No 4star glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and ancillary structure to service pods.	<b>Location:</b> Land 71m south west of 61 Killough Road Tullycarnan Ardglass
<b>Applicant Name and Address:</b> Mr & Mrs H Finlay 61 Killough Road Ardglass	<b>Agent Name and Address:</b> Unit 8 Carryduff Business Park Comber Road Carryduff BT8 8AN
<b>Date of last Neighbour Notification:</b>	29 January 2021
<b>Date of Press Advertisement:</b>	4 January 2021
<b>ES Requested:</b> No	
<b>Consultations:</b> see report	
<b>Representations:</b> None	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

## Site Visit Report

**Site Location Plan:** Land 71m south west of 61 Killough Road, Tullycarnan, Ardglass



**Date of Site Visit:** March 2021

### Characteristics of the Site and Area

The site is located just off the Killough Road, located between the village of Killough and Coney Island Ardglass. The site is an irregular shaped portion which includes a sizeable portion of an existing agricultural field. The boundary along the frontage of the site comprises a mature well maintained hawthorn hedge. The north western and south eastern boundaries consists of some interspersed scattered gorse and bramble, but generally little vegetation along both these boundaries. There are two ivy clad ash trees located at the corner between the frontage boundary and the NW boundary. The southern boundary is undefined, however, the wider field boundary comprises a post and wire fence, with no vegetation and lies close to the shoreline beyond. The site is generally flat with a very open appearance, which is characterised by the lands further along from here to the SE of the site. The area is rural in character.



View taken from google street view March 2023 for context



### Description of Proposal

Proposed site for up to 6 No 4star glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and ancillary structure to service pods.

### Planning Assessment of Policy and Other Material Considerations

#### PLANNING HISTORY

None on the site

#### Planning Policies & Material Considerations:



The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and within a Strangford and Lecale Area of Outstanding Natural Beauty.

This planning application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Ards & Down Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 16 – Tourism
- PPS 15 – Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside

Guidance

- DCAN 15 – Vehicular Access Standards
- Building on Tradition, A Design Guide for Rural Northern Ireland

#### **Consultations:**

**NI Water** – Statutory Response – NI Water note the following:-

**DFI Roads** – No objections subject to conditions

**Rivers Agency** – No objections

**Environmental Health** – No objections subject to a consent to discharge

**NIEA Water Management** – No objections strictly subject to the applicant referring and adhering to conditions including the submission of a detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999.

**NIEA Marine and Fisheries Division** recommend that the proposal may be contrary to policy due to its proximity to the high water mark. They recommend that the Planning Authority review the relevant policy in light of the risks associated with developing a site which is in an undeveloped area at high risk to erosion and the impacts of climate change. They note that Should the Planning Authority be minded to approve the proposal, the applicant should be made aware of the risks associated with building in close proximity to the high water mark and that any future sea defence repairs may not

receive approval as it could be contrary to policy. Until such time as there is more scientific data available, we advise that the precautionary approach should be considered by the Planning Authority.

**NIEA NED** – Natural Environment Division – no objections subject to conditions

**Shared Environmental Services** – No objections subject to conditions

### **Objections & Representations**

In line with statutory requirements neighbours have been notified on 15.01.2021. The application was advertised in the Down Recorder (Statutory expiry date 27.01.2021). No objections or letters of support have been received to date.

### **Consideration and 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 located outside settlement limits and is unzoned. There are no specific policies in the plans that are relevant to the determination of the application, so it will be considered under the operational policies of the SPPS and PPS 21.

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.

### **Principle of Development**

The principle of development proposals in rural areas must first be assessed against PPS21 – Sustainable Development in the Countryside. Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes tourism development if in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland. As the TOU policies have now been superseded by the final version of **PPS16 – Tourism** (published June 2013), the principle of the scheme must be considered under that policy.

## Proposal

The application proposal is for the erection of 6 No glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and ancillary structure to service pods.

Each camping pod will be comprised of a 3.6m width extending 6.6m in length and 2.6m in height with a 0.7m overhang, finished in powder coated aluminium (Evergreen colour) cladding with arched roof and will accommodate a sleeping area, sitting area kitchette and shower room. The service building is rectangular in shape and measures 7.9m x 4.5m approx. and 5.7m (in totality) with a monopitch roof varying in height from 3.28m to 2.88m finished in timber cladding to the walls and Kingspan roof. The boots and bicycle/ tourism information building measures 1.5m x 2.0m and 2.8 in height with pitched roof and finished with TVC Cedar timber cladding.

## Tourism

PPS 16 is silent on glamping pod development, however, as the pods are of similar scale to a caravan and have limited facilities, Council has been using Policy TSM 6 to assess these types of proposals.

As the equivalent section in the SPPS (paragraph 6.260) is less specific, the retained policy TSM6 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS. 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. TSM 7 will also be considered as part of the proposal.

## TSM 6 New and Extended Holiday Parks in the Countryside

Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4 of TSM6) and will be subject to the following specific criteria:

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

The site measures approx. 0.92ha. There are a total of 6 pod buildings proposed along the SW portion of the site along with a proposed new service building and tourist information building. A separate car park is proposed to the east of the site for 7 car

The nature of the landscape at this location is one of general openness and flatness (apart from the area to the northern corner with the roadside where the land rises gradually with minimal landscaping features).



### Initial submission

Concern was raised with the agent from the outset with regards to the impact that the proposal would have on the visual amenity of the area and the environment. Amendments were sought from the agent and further supporting information was submitted to address the planning authorities concerns. The report is now based on the below revised layout.



The site is located in a sensitive area within Killough Bay and Strand Lough ASSI, Killough Bay SPA and Ramsar and within the Strangford and Lecale AONB. Visibility splays of 2.4m x 80m in both directions are required necessitating the removal of existing hedge along the site frontage in order to accommodate the access and required visibility splays. Although new hedging is proposed set back from the road behind the splays, the removal of existing roadside hedging, will result in the site appearing even more open and incongruous in the landscape. Car parking associated with the proposal will be located close to the entrance of the site. Even though the land drops down at the entrance and is on lower ground than the roadside, the loss of roadside hedging coupled with the time it would take for a new hedge to mature, would mean the car park and associated buildings close to the roadside would be a more permanent prominent feature in the landscape and would result in a significant increase in visual awareness and intrusion in the landscape. Through the processing of the application, it was discovered

that badgers frequent the shoreline, thus the red line was reduced to account for the 30m exclusion zone for the badgers so this has resulted in the pods are further up the site – closer to the road. In addition, while the pods are set back from the roadside, (between 45m – 75m) the very nature of the flat exposed landscape which is a characteristic of the area would mean the pods would be highly visible from the road and fail to integrate satisfactorily. Indeed when the proposal was initially submitted manmade mounds of ground were proposed to help screen each individual pods, which itself was an indication that even the applicant felt the site lacked integration, these bunds have since been removed.

Views of the site will be mainly when approaching from the SE and when at the site. The site is currently a very open grassed area with little or no landscaping apart from the roadside hedge. The proposal relies on significant mitigating landscaping in order to attempt to absorb it into the landscape which would be unacceptable. Consideration must also be given to the ability of landscaping to grow in such an exposed coastal area which will take some time if at all to mature and soften. The nature of the landscape at this location is one of openness and this development would detract from the landscape quality, be detrimental to the visual amenity and as a consequence harm rural character.

**(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 noted there is little or no planting there at present with only 2 trees close to the entrance of the site. The proposal includes new planting to aid its integration but given the openness of the site and clutter of buildings combined with the hardstanding required for carparking as part of the overall scheme, it is unlikely that even with this landscaping (which would take years to mature in this very exposed coastal area) that the proposal can be satisfactorily integrated into the landscape.

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

The site exceeds the 15% required for communal open space, thus adequate communal open space has been provided. There is a fence to the rear of the site close to Killough bay ( this area is fenced off due to the presence of badgers along the shoreline, so access to the shore would be limited.

**(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 proposed layout of pods while informal relies on significant mitigating landscaping in order to attempt to absorb it into the landscape which would be unacceptable.

**(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;**

The materials and finishes are typical of these types of pod development, however the overall scheme in its totality in what is currently an open and exposed field with minimal landscaping is deemed inappropriate for the site and locality. The overall scheme clutters the landscape which would be inappropriate in this AONB.

**(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;**

The proposal does not have any built heritage issues.

NIEA were also consulted as part of the application, this will be discussed in more detail further in the report under PPS 2 – Natural Heritage.

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

NI Water and Environmental Health have been consulted as part of the proposal and offer no objections. The applicant intends to use a waste water treatment tank which will require the appropriate consents. Public water supply within 20m of the proposal. Application to NIW is required to obtain approval to connect.

The site would not be considered appropriate for development of this nature due to the significant impact on visual amenity and rural character. The proposal fails to comply with criteria (a), (b) and (e) of TSM 6 in that the proposal would have an adverse impact



on visual amenity and rural character (a). The proposal lacks natural and built features which would allow for successful integration into the surrounding landscape, with any established boundaries to the site comprising roadside hedgerow (to be removed) and minimal vegetation which do not provide significant enclosure or screening. The proposal relies heavily on new landscaping to aid integration into the surrounding area. The proposal does not meet the requirements of criteria (b) to utilise existing natural features and topography. The design of the development Criteria (e) of TSM 6 requires that the design of the development including internal roads, paths and car parking area are appropriate to the site and locality. The car parking area right at the front of the site to accommodate 6 car parking spaces along with bin storage (not indicated) and access at the entrance to the site, would be deemed inappropriate for the surrounding area, with a detrimental impact on visual amenity.

**TSM7 - Criteria for Tourism Development** is also applicable to the application. The following design and general criteria must be met:

**"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.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

**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 or a tourism asset, unless a suitable alternative is provided".

It is considered regarding the proposal that there are no issues with points (a), (d) (e) and (f – n/a) (h) (i)(j -through other consents) (k) (l) (m) (n-n/a) and (o).

While the proposal is compatible with the surrounding land uses, the proposed development as described above will result in an unacceptable impact on this area due to the nature of this relatively flat open site. As such it is considered that the proposal would detract from landscape quality, be detrimental to the visual amenity and as a consequence harm rural character.

### **TSM 8 - Safeguarding of Tourism Assets**

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

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

within an area of high landscape quality or in a Conservation Area, either of which could be important for attracting tourists.

It has already been demonstrated that this proposal is inappropriate development within this AONB. The development would detract from the landscape quality, be detrimental to the visual amenity and as a consequence would have an adverse impact on this local tourism asset of Killough Bay Strang Lough ASSI within Strangford and Lecale AONB and would compromise its tourism value.

### **Planning Policy Statement 3**

The application proposal intends to use a new access onto Killough Road. DFI Roads have raised no objections subject to conditions. The proposal is considered to be in accordance with Policy AMP2. The proposal is compliant with AMP 7 in that 6 car parking spaces have been provided which would be adequate to serve the proposal (in terms of numbers).

### **Planning Policy Statement 2**

#### **Policy NH 1 - European and Ramsar Sites**

The application site is adjacent to the following national, European and international designated sites:

- Killough Bay SPA, which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Killough Bay and Strand Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002.

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives.

As mentioned, the site is adjacent to Killough Bay and Strand Lough, this area is designated as: Killough Bay SPA / Ramsar, Killough Bay and Strand Lough ASSI. Killough Bay and Strand Lough have been designated as a SPA, Ramsar and ASSI for its qualifying features: aggregations of nonbreeding and breeding birds, invertebrate assemblage, as well as terrestrial and marine habitats features including: Disturbance of breeding birds and/or loss of supporting habitat. Purple Moor-grass and rush pastures, Intertidal rock, Mudflats and Saline lagoons.

Following receipt of the Habitats Regulation Assessment Stage 1 (01/03/2023), within which the operational period for the development is stated at 'year round'. Following submission of a OCEMP (date published 09/06/2022) and SUDS report (date published 20/06/2022) and drainage plan, the CEMP states that in order prevent adverse impacts to the adjacent designated sites, mitigation methods should be used during the construction phase, NED therefore have no objections subject to conditions. NED are content with theses details and mitigation provided in the CEMP subject to conditions.

Consultation also took place with Shared Environmental Services and following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation, attaching conditions to be used on any decision.

Following lengthy consultation with NED's ornithology team, NED Ornithology now finds that there are no significant ornithological issues associated with the proposal.

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

NIEA -NED were consulted regarding the proposal, Badger survey report and a Preliminary Ecological Assessment were submitted as part of the proposal.

Following submission of amended plans these indicate an adequate buffer to the badger setts from any proposed work. NED is therefore content that the proposed development is unlikely to significantly impact badgers and their setts. As badgers are a dynamic species there is the possibility that a badger sett could appear within the site boundary, should this occur before or during the development phase the applicant should contact their ecologist or the NIEA Wildlife Team.

#### 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.

While the choice of materials and the design of the buildings are considered acceptable in the AONB (having been previously approved) the overall siting and layout of the development in its totality is not sympathetic to the AONB.

### **PPS 15 – Planning and Flood Risk**

DFI Rivers were consulted as part of the process.

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

*FLD2 - Protection of Flood Defence and Drainage Infrastructure* – Not applicable.

*FLD3 - Development and Surface Water* - This development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required. We advise it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

*FLD4 - Artificial Modification of watercourses* – Not applicable to this site.

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

A Flood Risk Assessment (FRA) by Flood Risk Consulting was submitted, however, while an FRA was not requested by DfI Rivers, they have reviewed the Flood Risk Assessment by Flood Risk Consulting, and while not being responsible for the preparation of this Flood Risk 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 the accuracy of this Flood Risk Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors.

DfI Rivers have no objections to the proposal. Therefore the proposal complies with PPS 15 – FLD 1 -5.

### **PPS 21 - Policy CTY 13 - Integration and Design of Buildings in the Countryside**

#### **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. It is not acceptable where:

- It is a prominent feature in the landscape
- The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure
- It relies primarily on new landscaping for integration
- Ancillary works do not integrate with their surroundings
- The design of the building is inappropriate for the site and its locality
- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

As mentioned above, the form of the development is inappropriate for the site and its locality and would therefore not be integrated on the site. Thus the proposal is contrary to CTY 13.

### **PPs 21 - Policy CTY 14 – Rural Character**

Policy CTY 14 of PPS 21 '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 rural character of an area. It sets out five circumstances where a new building would be unacceptable. The proposal has already been deemed to be unacceptable being prominent in the landscape which would be detrimental to the rural character of the area. The proposal therefore offends Policy CTY14.

### **PPs 21 - CTY 16 Development relying on non mains sewerage**

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. P1 form states that surface water will be disposed of using soakaways to adjacent land and foul sewage using a treatment plant. The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. On this basis a condition could be placed on the decision notice to ensure that a consent to discharge is obtained by the relevant authorities.

## Conclusion

Taking into account the content and requirements of the relevant policies and consultee responses, it is acknowledged that while sustainable tourism development can contribute positively to the countryside it must be appropriate to its setting. In this case it is concluded that it has not been demonstrated that the proposed development will not result in an unacceptable impact on the character of this area due to its size, location, extent and nature. The proposal is contrary to the policies listed and it is recommended that the application be refused.

## Recommendation:

### Refusal

The plans considered as part of this assessment include:

Location plan, site plan and sections – PD-01D

Proposed elevations and floor plans – PD-02A

### Refusal Reason:

1. The proposed development, by virtue of its form and layout with lack of integrating features, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. As such, it conflicts with the SPPS and policies TSM6, TSM7 and TSM 8 of PPS16, Policy NH 6 of PPS 2 and policies CTY13 and CTY14 of PPS21.

### Informative

The plans to which this refusal relate include: PD-01D, PD-02A

Neighbour Notification Checked

Yes

Case Officer Signature: C Moane

Date: 27 October 2023

Appointed Officer: A.McAlarney

Date: 30 October 2023

**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date**

\_\_\_\_\_

## Application Reference:

**LA07/2020/1889/F Land 71m south west of 61 Killough Road Tullycarnan Ardglass**

### 1.0 Introduction

This application is for 6 no. 4 star glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and a small ancillary structure to service the pods.

### 2.0 Recommendation by the Planning Department

It is the view of the Council that the proposed glamping pod site would have a "harmful effect on the character and appearance of the local area" and was therefore recommended for refusal. The council also stated in their report, however, that "the proposal is compatible with the surrounding land uses". We are therefore not disputing principle of development in this case, but merely the subjective matter of visual impact. We feel that the proposal will not cause demonstrable harm to the visual amenity of the surrounding area.

Given that visual impact is a subjective matter, it was requested that the Planning Committee carry out a review and assessment of the proposal.

### 3.0 Visual Impact of the proposal

Policy **CTY13 of PPS21** states that '*permission will be granted for a building in the countryside which can be visually integrated and is of an appropriate design*'. The proposed glamping pods are 2.7m high, with a footprint of approx. 20sqm each and a Moss Green powder coated finish. The pods sit at ground level within the field which is approximately 2m lower than the adjacent road level.

The planning officer's report identifies key views, which are the approach from the south east and views when at the site. The primary view of concern to the council is from the south east when travelling along Killough Road, due to the elevation above the application site.

The planning department state that the 'the pods would be highly visible from the road and fail to integrate satisfactorily'. As shown in the images below and on the attached powerpoint, when travelling from the south east near the crest of the hill, views towards the site are generally obscured by the topography of the field to the immediate south east of the site with only a thin sliver of the site visible. The application site is viewed in conjunction with existing vegetation and development in the wider context, with houses visible on both sides of Killough Road and Coney Island caravan park further along. Moving closer to the site, the topography levels out allowing the existing vegetation and rising fields to the north west to provide a visual backdrop for the proposed pods and roadside vegetation then obscures views into the field itself. As noted earlier, the pods are moss green in colour and only 2.7m high therefore it is our view that they are of an appropriate design and will not





be visually conspicuous in this location – it is noted that the CTY 13 policy test is not one of invisibility, and as such, we feel the proposal should be considered acceptable from this view.

Whilst we trust members of the planning authority have visited the site in person, we would like to note that the views of the site shown on page 3 of the council's report are taken from Google street view, which provides an unnatural viewpoint due to the height of the camera above the vehicle's roof. Please refer to the attached Powerpoint for a selection of images taken from typical driver's eye level on the approach from the south east.

#### **4.0 Letter of support from Dr Patrick Brown MLA**

Following completion of an independent Habitats Regulations Assessment, a letter of support for the application was received from Dr Patrick Brown MLA and was forwarded to the planner on 3<sup>rd</sup> October 2023, however this was not listed within the council's report.

#### **5.0 Objections**

In addition to the letter of support from Dr Brown, it is worth noting that no consultee raised an objection to the application following the provision of additional surveys etc. nor did any neighbour raise an objection to the proposed pod site.

#### **6.0 Economic Impact**

This proposal represents an initial investment of **£325,000** into the accommodation units and associated site set up costs. Thereafter, the annual tourism spend is projected to be **£407,000** per annum based on data obtained from existing Further Space glamping sites in NI, **£300,000** of which will remain within the local rural community (landowner's accommodation revenue and customer spend within the local area). The project will create up to 3 full time jobs and through 'add-ons' offered for visitors, will provide a 'shop front' for local service providers and farm produce businesses in the Killough/Ardglass area. Luxury glamping is a relatively new product offering which provides greater choice and support within the tourism accommodation sector, without the loss of any local housing stock.

NMD draft 'Tourism Strategy and Action Plan' Priority 5 states that NMD should proactively seek investment in quality 4 and 5 star hotel accommodation. NISRA reported that between 2015 and 2019 only 70 additional hotel bed spaces were added to NMD council area. This one modest pod site with 24 bed spaces would constitute 6.5 new bed spaces above the annual average for that period (avg 17.5).

Further Space pod sites have been 4 star accredited by Tourism NI and thanks to the hand delivery of breakfast packs, bbq packs etc would go quite a long way towards the desired supply of high quality accommodation without the requirement for large construction projects.

- Accommodation provision – 6 pods will provide an additional 8760 bed nights per year
- Quality visitor experiences – The pods offer a first-class visitor experience including design led accommodation to the very highest of standards. This will draw overseas markets who demand high levels of service and comfort.
- At 60% occupancy, the project will bring over 3900 visitors, overnight stays to the area.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2022/1809/F

**Date Received:** 14.11.2022

**Proposal:** The application is for full planning permission for a proposed dwelling and garage on infill site

**Location:** The application site is described as between 10 and 10A Islandmoyle Road, Cabra.



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

The site is located off the Islandmoyle Road on a relatively flat site to the front adjacent to the roadside however there is a rock outcrop within the field that raises the level of the site. The site is bounded to the east by the boundary of no 10A Islandmoyle Road which is defined by a wooden boundary fence and hedge. The western boundary is bounded by a close board timber fence. The site is not screened from the road side and is separated from the road by wood and wire fencing.

The site is not located within any settlement development limits as defined in the Banbridge, Newry or Mourne Area Plan 2015. There are no specific site constraints identified on the lands in question. The area would be considered a scenic area, hilly in nature. The area is characterised mainly by single dwellings and agricultural lands and opposite the site in question is a yard, shed and a collection of cars which appear for breaking. The site is also identified as being within the sphere of influence of an architectural site and monument.

### **Site History:**

P/2000/0900/F – Islandmoyle Road, Cabra (adjacent to no 10) – Erection of a dwelling and garage – withdrawn – 08/11/2000

P/2000/2202/F – Adjacent to 10 Islandmoyle Road, Cabra – Erection of a dwelling and garage – permission granted – 21/06/2001

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

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

- Banbridge, Newry or Mourne Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 15 Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
  - Policy CTY 1 Development in the Countryside
  - Policy CTY 8 Ribbon Development
  - Policy CTY 13 Integration and Design of Buildings in the Countryside
  - Policy CTY 14 Rural Character

### **Consultations:**

DFI Rivers Agency was consulted in relation to the application but responded stating that there are no designated watercourses affected by the application. The site may impact on undesignated watercourses of which they have no record. Rivers Agency do not have any reason to object to the application.

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

DFI Roads was also consulted and considers that the application is unacceptable as submitted and requested amended drawings, which were submitted and DFI Roads responded with no objections subject to conditions upon most recent consultation.

Historic Environment Division was consulted and Historic Monuments has responded with no objections to the proposal.

### **Objections & Representations**

In line with statutory obligations neighbour notifications issued in relation to this application on 26.01.2023 and expired on 09.02.2023. The application was advertised in the local press on 07.12.2022 which expired on 21.12.2022. To date there have been no objections received in relation to the application.

### **Consideration and Assessment:**

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

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The application is considered against CTY 8 Ribbon Development which 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 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 above image is taken from google earth imagery and shows the layout of the site and surrounds. The application site sits between no's 10 and 10A Islandmoyle Road. As demonstrated 10 A has one building within the curtilage of the dwelling, no 10 has a number of outbuildings to the rear of the property and one to the front but none are formal and there is no associated planning history with the buildings in question therefore the outbuildings and mobile units within the curtilage of no 10 are discounted and it is only the dwelling house itself that is considered. No.10 has dual frontage to Islandmoyle Road and Close Road.

The frontage for the purposes of assessing the application site for the policy requirements of CTY8 is that of the Islandmoyle Road and not Close Road. Close Road provides a break in the frontage on Islandmoyle Road.

No 8 Islandmoyle Road does not form part of the required 3 buildings along a continuous built-up frontage as the Close Road serves to break this frontage.



The agent has drawn attention to this wooden structure shown above which sits forward of the building line to no 10 Islandmoyle Road, it is difficult to ascertain the exact timing of the erection of the structure but it appears to have been around 2021, 2022 and does not have the benefit of planning permission nor a CLUED nor does it appear immune from enforcement

action, for these reasons this structure has no status and is unauthorised and is omitted from the assessment and cannot be considered as a third building for the purposes of CTY 8.

There is a container and small brown shed to the rear of no 10 which sit adjacent to Close Road, these structures are not part of the continuous and built up frontage along the Islandmoyle Road. A mobile home has also been positioned to the rear of no 10 Islandmoyle Road and it sits adjacent to the two structures to the rear of Islandmoyle Road and there is a separate access off Point Road to the rear of no 10 Islandmoyle Road, which is secondary to the main access to the front of the dwelling, none of the structures benefit from planning permission.

There is not an existing row of three or more buildings along a otherwise substantial and continuously built up frontage (Islandmoyle Road) and would therefore result in the creation of a ribbon of development along the Islandmoyle Road.

### **CTY 13 – Integration and Design of Buildings in the Countryside.**

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will not be acceptable where:

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

The proposed dwelling and garage are of a suitable design and located on relatively flat lands to result in it not being prominent in the landscape. It is not considered that the proposed dwelling will detract from the character or appearance of the area. The overall design and use of materials is considered to be acceptable, the roof of the proposed dwelling is top heavy but when read with the existing adjacent development it is considered that the dwelling will satisfactorily integrate into the surrounding structures and built development.

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

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

The site was amended from the original submission to reduce the red line to occupy a plot that only faces onto the Islandmoyle Road rather than stretching round to almost facing onto Point Road. The site can make use of two existing curtilages of wooden fences and existing development being no 10 and 10A Islandmoyle Road. The overall planting of boundaries is limited on adjacent plots and planting would soften the visual appearance of the buildings, that said however it is not considered that this development will rely on new planting for integration but will benefit from the planting up of the rear boundary of the site which at present is not defined. There is no boundary to the front of the site at present. Hedging has been proposed to the northern, southern and western boundary which will benefit the site but the site will not rely on it.

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

It is considered that the ancillary works will integrate into the surroundings. Necessary services are presently located in close proximity to the site and it is not considered that there will be any demonstrable harm in the provision of ancillary services at this location. Access is taken from the existing road and provided by a driveway and ancillary buildings being a garage are of an acceptable size and scale and are subordinate to the main dwelling and set back from the dwelling in the rear garden.

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

The design of the building can be considered appropriate for the locality. There is a small return to the front elevation that might otherwise have been better positioned to the side or reduced and centralised as a porch however when read in the context of the area it is not considered that the design would cause any grave offence in terms of design and will not detract from the character or appearance of the area.

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

Proposed levels have been provided and it is noted that the dwelling proposed will sit marginally higher than the existing road with the existing road being 87.04 and the proposed ridge height being 87.5, there is an existing rock outcrop to the front of the site. The works will blend with the existing landform and will not detract from the character or appearance of the area.

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

This application does not relate to a dwelling on a farm therefore this aspect of policy is not relevant.

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

**(a) it is unduly prominent in the landscape.**

As discussed previously within this report it is not considered that the dwelling will be unduly prominent in the landscape. The proposed dwelling is considered to largely respect the site and also to respect or be largely in keeping with the adjacent mix of development. The works will not be unduly prominent in the landscape.

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

Given the location of the plot and taking into consideration the surrounding context in terms of the built development within the surrounding context it is not considered that the development of the site when viewed with existing and proposed development would result in a suburban style build up of development.



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

There is a mix of styles of development within the area and the traditional pattern of settlement within the area is single dwellings located on quite generous plots, the site would be in keeping with the pattern of development on this basis. Single dwellings roadside are not an uncommon feature within the rural area.

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

This building would become the third building in a row if located adjacent to no's 10 and 10A Islandmoyle Road, the development of this site would result in three buildings in the row which would constitute the creation of a ribbon of development along this section of the Islandmoyle Road, this would be contrary to this policy and policy CTY 8.

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

it is not considered that the proposed ancillary works would have a detrimental impact on the character or appearance of the surrounding area and will not damage rural character.

**Recommendation:**

As this application fails to meet with the provisions of the SPPS, and CTY 1, 8 and 14 of PPS 21 a recommendation of refusal is made.

**Reason for Refusal:**

- This proposal is contrary to the SPPS and Policy CTY1, CTY8 and CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal is not part of a substantial and continuous and built up frontage and would, if permitted, result in the creation of a ribbon of development along Islandmoyle Road.

**Case Officer Signature: Fionnuala Murray**

**Date: 24 October 2023**

**Appointed Officer: A.McAlarney**

**Date: 25 October 2023**



Reference	LA07/2022/1809/F
Location	Land between 10 and 10A Islandmoyle Road, Cabra.
Proposal	Proposed infill dwelling and garage

### Response to Refusal Reasons

This is an application for a dwelling in a gap site, within a ribbon of development built up frontage. Policy CTY 8 allows for infilling of such gap sites, where the gap site is located within a continuously built up frontage. Policy CTY8 defines a continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The Planning Department have recommended this application for refusal, on the basis that there is not a line of three buildings to represent a continuously built up frontage. It must be highlighted however that the Department considers the dwelling at no.10 and 10a as having frontage to the road.

Our assertion is that the dwelling at no8 as well as the ancillary building of no.10 also contribute to this frontage, therefore resulting in four buildings within the continuously built up frontage.

First of all, in terms of the dwelling at no.8, the planning department do not consider this building to share a common frontage, due to the Close Road between no.8 and no.10 representing a break in the frontage. However, paragraph 5.33 of the justification and amplification text of the policy is clear in this regard- buildings site back, staggered or at angles and **with gaps between them** can still represent a ribbon of development. My reading of this is that even where gaps exist between buildings(such as a road), these still contribute to a ribbon of development, therefore form the substantial and continuously built up frontage.

The PAC have also accepted this approach, in appeal decision **2019/A0038** the Commissioner considered that given that on the ground the buildings read as a continuously built up frontage, they did not agree with the council that a lane broke this frontage, and it was concluded that the appeal site represented a small gap site in the frontage.

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

As you can see on the screen, this is a view of the continuously built up frontage from no.10a. From this point of view, it is apparent that nos.8, 10 and 10a are all read as part of one continuously built up frontage, therefore, having regard to previous appeal decisions, we respectfully consider that the Close Road does not break the frontage, and the site complies with the Policy CTY8 as it reads as one continuously built up frontage along Islandmoyle Road.

Secondly, in terms of the outbuildings to the side of no.10, we respectfully consider that these also have a frontage onto Islandmoyle Road. The PAC are clear in their interpretation of Policy CTY8- a building has a frontage to the road if the plot on which it stands abuts or shares a boundary with that road.

To the side of no.10, exists a number of outbuildings. The Department have considered that as there is no planning permission for them, then they should be discounted from the assessment. However, the PAC have established that where buildings are immune from enforcement, then they can be considered towards the buildings within the built up frontage. An example of this is found in appeal 2015/A0052

This Commissioner stated:

***"The appellant relied on the metal clad shed centrally positioned within the host field in his assessment. Although no CLUD has been submitted to regularise this building, the LPA's representative confirmed at the site visit that the building was immune from enforcement. This being the case, this structure falls to be considered in my assessment."***

The buildings have their own electricity and water connections, therefore further reinforcing its status on the ground. Therefore, the buildings which are considered to be immune from enforcement can be considered towards the substantial and continuously built up frontage.

Moreover, The Planning Departments assertion that these buildings are located to the rear of no.10 is considered to be incorrect. The outbuildings are located to the side of no.10, as shown on the screen. These have their own direct frontage to the Islandmoyle Road, therefore also contribute to the substantial and continuously built up frontage.

It is our assertion that these outbuildings also contribute to the substantial and continuously built up frontage. This would therefore result in a substantial and continuously built up frontage consisting of the dwelling at no.8, the dwelling and outbuildings at no.10, followed by the gap site and no.10a.

As we have established how the proposal confirms to the overall thrust of Policy CTY8, it therefore falls that the proposal complies with Policy CTY14 as well.

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

## Delegated Application

Development Management Officer Report	
<b>Case Officer:</b> Catherine Moane	
<b>Application ID:</b> LA07/2023/2939/O	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling	<b>Location:</b> 32 CABRA ROAD ISLANDMOYLE RATHFRILAND DOWN BT34 5EW
<b>Applicant Name and Address:</b> Ciaran McGreevy 32 Cabra Rd Newry Cabra BT34 5EW	<b>Agent Name and Address:</b> Daniel Murphy 40 -41 The Mall Newry Newry BT34 1AN
<b>Date of last Neighbour Notification:</b>	31 August 2023
<b>Date of Press Advertisement:</b>	30 August 2023
<b>ES Requested:</b> No	
<b>Consultations:</b> see report	
<b>Representations:</b> None	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	



## Site Visit Report

### Site Location Plan: 32 Cabra Road, Islandmoyle



**Date of Site Visit:** 12<sup>th</sup> October 2023

### Characteristics of the Site and Area

The site is located just off the Cabra Road. A laneway is located to the south of No 32, which allows access to No 26 and agricultural buildings further along that laneway. The site is located to the south west of No 32 and is cut out of the SE corner of an agricultural field. There is well defined hedge along the eastern shared boundary with No 32. The southern boundary is defined partly from the wall of a small yard area beside the large dutch style barn and the other boundaries are undefined. The site is accessed from the yard area. There are a further two sheds to the south of No 32. No 32 is accessed from the Cabra road. The site lies in a rural area characterised by one off dwellings and a number of groupings of farm buildings.







### Description of Proposal

Infill dwelling

### Planning Assessment of Policy and Other Material Considerations

None

#### PLANNING HISTORY

Planning

Application Number: P/2003/1832/F

Decision: Permission Granted

Decision Date: 07 November 2003

Proposal: Proposed dormer type dwelling with detached garage

Application Number: P/2006/0602/F

Decision: Permission Granted

Decision Date: 13 February 2009

Proposal: Erection of Replacement Dwelling.

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

The application site is located outside the settlements in the open countryside as designated in the Banbridge Newry & Mourne Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside

- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Banbridge Newry & Mourne Area Plan 2015

### **Consultations:**

NI Water – Statutory Response

DFI Roads – No objections subject to RS1 form

DfI Rivers – No objections

**Objections & Representations :** In line with statutory requirements neighbours have been notified on 16.08.2023. The application was advertised in the Mourne Observer on 30.08.2023. No objection letters or letters of support have been received in relation to the proposal.

### **Consideration and Assessment:**

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

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 interests of acknowledged importance. 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 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted.

Policy CTY 1 of Planning Policy Statement 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

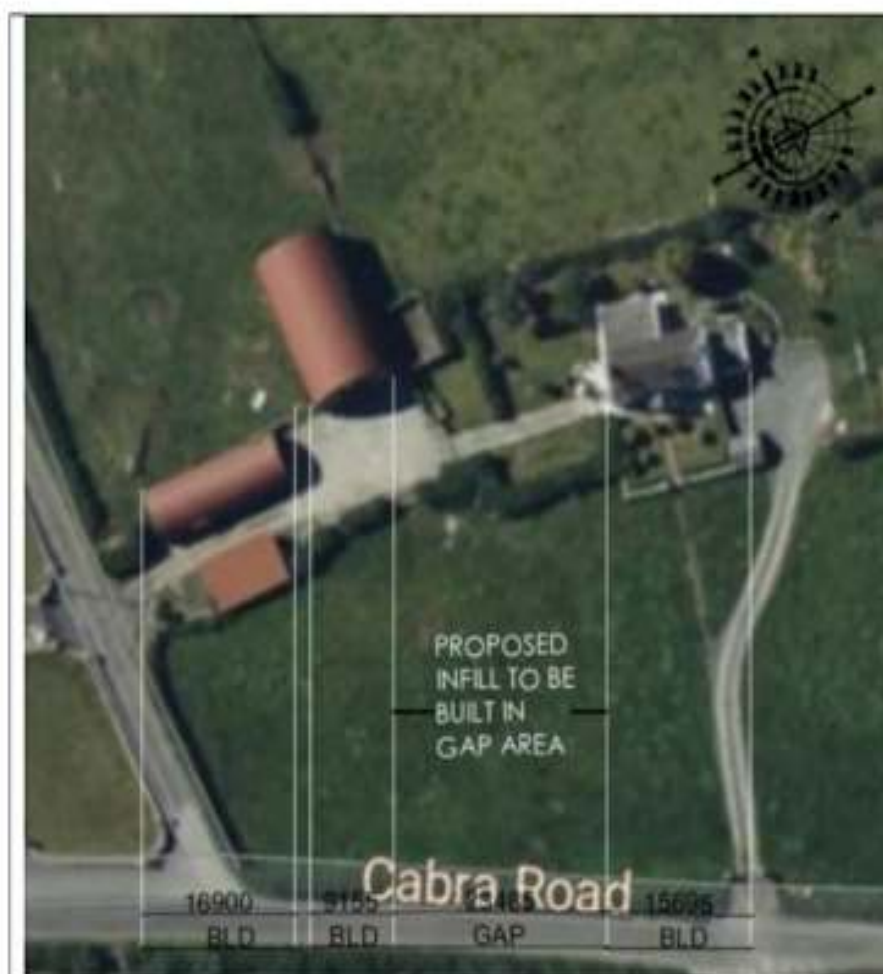
#### Policy CTY8- Ribbon Development.

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

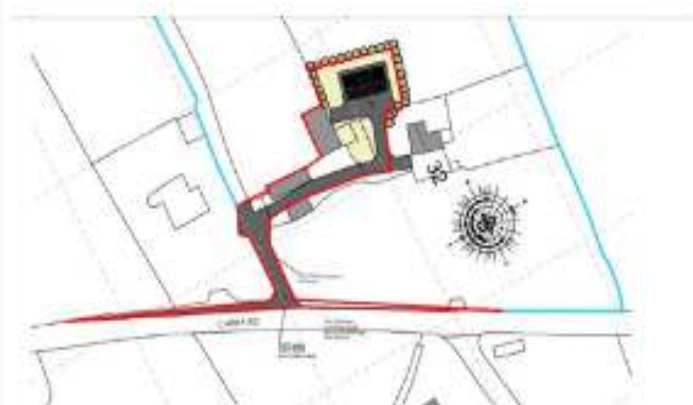
The site comprises a portion of a grassed agricultural field, which will access through a section of garden to the south of the detached dwelling at No. 32 Cabra Road and a section of concrete yard and then onto a section of laneway which then meets the Cabra public road. The section comprised of yard and hardstanding is relatively flat as is the field portion which is undefined to the north and west as it is cut from the field. There is a concrete yard area surrounded by walls immediately to the SE of the site which is adjacent to the farmyard area which serves the 3 agricultural sheds and No. 32 with a maintained garden area to the west and south of the dwelling. No 32 has also another access onto Cabra Road, it is noted that No 32 does not have a frontage to the road, this portion is in agricultural use and cattle were observed grazing these lands at the time of the site visit, this however is not subject to the agent's consideration as infill development. The farmyard which leads to No 32 is gated adjacent to the large shed (at the laneway) it is further gated into No 32's garden.

Within the design and access statement, the agent considers that the site is such a gap site, falling within a substantial and continuously built up frontage and suitable for a dwelling. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.





The site comprises a roughly rectangular plot, with the red line including an access along the outer laneway which serves No 26 towards Cabra Road. The agent has indicated the buildings he considers which fall within a substantial and continuously built up frontage. This includes the two sheds (red roofs), the 'application site or gap' and the dwelling house at No 32.



Paragraph 5.33 of Policy CTY 8 of PPS 21 says that for the purpose of this policy a road frontage includes a footpath or private lane. The 3 shed buildings and No 32 are all part of the farmyard associated with No 32. This yard area terminates at the wall and gate



which gives access to the garden area of No 32. None of the three buildings have separate or defined frontages onto a laneway or public road (in this case while there is a laneway it serves both No 26 and 32 and associated farm buildings further to the west – these identified buildings do not have frontage onto it). The buildings to which the agent refers all lie within the curtilage and farmyard associated with No. 32. The fact that the yard is gated at the laneway and the dwelling at 32 also gated (see below pictures) reinforces this fact. This is not considered to be a laneway or public road for the purposes of the policy. Policy CTY8 does not apply to land and buildings within a single curtilage located within a farmyard, where the development sought would also be at least partially placed within that same singular curtilage. On this basis the site is not a gap site for the purposes of the policy and the first test within Policy CTY8 is not met.



Notwithstanding the above and in the interests of conclusiveness, consideration will be given as to the suitability of the 'gap' for a dwelling. The overall frontage comprising the 3 buildings (2 sheds and No 32) and the site is approximately 60m in length, measured building end to building end. This gives an average plot size of approximately 15m for 4 buildings placed along the frontage. The frontage of the site plot is approximately 23m in length. However, this is a contrived and artificial result given the buildings in question all lie within a singular curtilage and do not have separately defined plots. Additionally, the two red roofed sheds sit immediately next to one another with approximately 6m separation between them. Thus, the concept of an average plot size of approximately

15m for 4 buildings along the frontage bears little relation to the actual disposition of the buildings and consequent development pattern evident on the ground.

Whether or not a gap is suitable for infill development in accordance with CTY 8 is a matter of planning judgement, taking into account what one ascertains on the ground, and is not merely a mathematical exercise. Thus having observed the immediate area which now appears as one curtilage and considered the size, scale, siting and plot size within the frontage, it is concluded that the gap could not accommodate a dwelling while respecting the plot size of the existing pattern of development along the 'frontage'. The nature of the 2 sheds in relation to No. 32 which are tightly grouped next to one another, is such that despite the site being a 'small gap', a dwelling sited as suggested by the agent (on the site plan) would fail to respect the development pattern and read as being shoehorned into that gap. This is reinforced by the fact that a dwelling on the site would need to be sited further west and 'back' into the site (portion of agricultural field) away from the existing buildings, in order for there to be sufficient space. Though there is no requirement in the policy for rigid adherence to an established building line, the suggested siting in this case further points to the unsuitability of the gap itself to accommodate the development whilst respecting the existing development pattern. Even if accepting the agent's position that the site is a small gap site in line with Policy CTY8, for the reasons given above the development would nevertheless fail to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The second test within Policy CTY8 of PPS21 is not met.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

#### Policy CTY 13 - Integration and Design of Buildings in the Countryside

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that as the site is cut from a larger agricultural field, however, given the set back from the Cabra road with the cluster of buildings adjacent to the site, a low level dwelling could be suitably integrated.

Policy CTY 14 of PPS 21 '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 rural character of an area. It sets out five circumstances where a new building would be unacceptable. Irrespective of the design and siting of the

proposed dwelling and garage, there would be a strong visual linkage between the existing buildings and the proposed development on the site, resulting in additional ribbon development. To that extent the proposed development would further erode the rural character of the area which would cause a detrimental change to the rural character of the area. The proposal is contrary to CTY 14.

#### **PPS 16 – Development relying on non mains sewerage**

There would be sufficient room within the land in red/blue for a septic tank and soakaways which would be subject to consent to discharge approval from DAERA-NIEA.

#### **PPS 2 – Natural Heritage**

The proposal involves removal of hedgerow along the frontage of the site to accommodate the sightline to the LHS 2.4m x 70m. PPS 2 NH5 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance has been considered, whilst it is acknowledged that hedgerows are classed as priority habitats, consideration was given to the quality of this particular hedgerow which is well maintained and low in height but not considered to be species rich or having a rich basal flora of herbaceous plants. Given the quality of the hedgerow it is considered that the extent of removal along with the reinstatement of the lost roadside hedgerow with a species rich native hedgerow is acceptable. An informative advising the applicant in relation to bird breeding season can be placed on the decision notice.

#### **PPS 3 – Access, Movement and Parking**

DFI Roads were consulted as part of the proposal who have no objections in principle and the access complies with the RS1 form requiring visibility splays of 2.4m x 70m.

#### **PPS 15 – Planning and Flood Risk**

*FLD1 - Development in Fluvial and Coastal Flood Plains* – The Flood Maps (NI) indicates that the site lies outside both the 1 in 100 year fluvial flood plain and the 1 in 200 year coastal flood plain.

*FLD2 - Protection of Flood Defence and Drainage Infrastructure* – Not applicable to this site.

*FLD3 - Development and Surface Water* – For this application a Drainage Assessment will not be required as the proposal does not exceed any of the thresholds for a DA.

*FLD4 - Artificial Modification of Watercourses* – Not applicable based on the information



provided.

*FLD5 - Development in Proximity to Reservoirs* – DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Lough Island Reavy Reservoir. DfI Rivers is in possession of information confirming that Lough Island Reavy Reservoir has 'Responsible Reservoir Manager Status'. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

It is noted that for any subsequent planning consultation for development within the potential area of inundation of this reservoir, the condition of the reservoir will need to be reconsidered.

DFI therefore offer no objections under PPS 15.

### **Conclusion**

Having considered the relevant policy, as the proposed development does not meet Policy CTY8, or CTY 14 nor it does not meet Policy CTY1 of PPS21 and the related provisions of the SPPS. There are no overriding reasons why the development is essential and could not be located in a settlement.

### **Recommendation:**

Refusal

### **Refusal Reasons:**

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, result in the creation of ribbon development along Cabra Road and does not represent an exception of policy.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

### **Informative**

The plans to which this refusal relate include:101A



Neighbour Notification Checked	Yes
Case Officer Signature: C Moane	Date: 03 November 2023
Appointed Officer: A.McAlarney	Date: 03 November 2023

**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures**

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**Date**

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Council Meeting date	Planning Application Number :	Speaking Rights requested by:
13/12/23	LA07/2023/2939/O	Colin Dalton Agent Ciaran McGreevy Applicant

Description of the application – Proposed Infill Dwelling

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

**Recommendation:**

Refusal

**Refusal Reasons:**

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no over-riding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, result in the creation of ribbon development along Cabra Road and does not represent an exception of policy.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

The case officer is of the opinion that the existing laneway ends at a gateway at the side of the farm yard which leads to the dwelling and that the buildings do not have a frontage onto this laneway

*"This yard area terminates at the wall and gate which gives access to the garden area of No 32. None of the three buildings have separate or defined frontages onto a laneway or public road (in this case while there is a laneway it serves both No 26 and 32 and associated farm buildings further to the west – these identified buildings do not have frontage onto it). The buildings to which the agent refers all lie within the curtilage and farmyard associated with No. 32. The fact that the yard is gated at the laneway and the dwelling at 32 also gated (see below pictures) reinforces this fact. This is not considered to be a laneway or public road for the purposes of the policy.*

*Policy CTY8 does not apply to land and buildings within a single curtilage located within a farmyard, where the development sought would also be at least partially placed within that same singular curtilage. On this basis the site is not a gap site for the purposes of the policy and the first test within Policy CTY8 is not met.*

We are of the opinion that this laneway continues through this gate and across the front of the dwelling to another smaller farm shed on the other side of the house, and this lane then continues back down onto the road. **CTY 8 States that "for the purpose of this policy a road frontage includes a footpath or private lane**





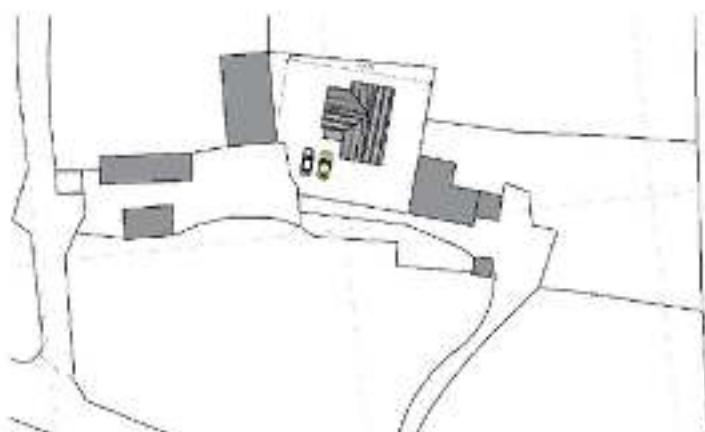


Doors onto laneway



*"Whether or not a gap is suitable for infill development in accordance with CTY 8 is a matter of planning judgement, taking into account what one ascertains on the ground, and is not merely a mathematical exercise. Thus having observed the immediate area which now appears as one curtilage and considered the size, scale, siting and plot size within the frontage, it is concluded that the gap could not accommodate a dwelling while respecting the plot size of the existing pattern of development along the 'frontage'. The nature of the 2 sheds in relation to No. 32 which are tightly grouped next to one another, is such that **despite the site being a 'small gap'**, a dwelling sited as suggested by the agent (on the site plan) would fail to respect the development pattern and read as being shoehorned into that gap.*

The case officer is also of the opinion that this site does not respect the plot size and existing pattern of development along the frontage (ie laneway) The case officer make reference to the 6M gap between the two shed and is of the opinion that this is to be considered and the site fails to respect this pattern. The gap between the existing house and the shed is 23.5M we do not feel that a dwelling would need to be "shoehorned into the gap" the case officer in fact states **"despite the site being a small gap"**. This is outline permission it will leave the design of this dwelling for the reserved matters application – however see below a 2,500sqft dwelling shown on the site – this is not shoehorned in



*Example of a previously approved application with 25M gap – similar to this application LA07/2020/0492/F*



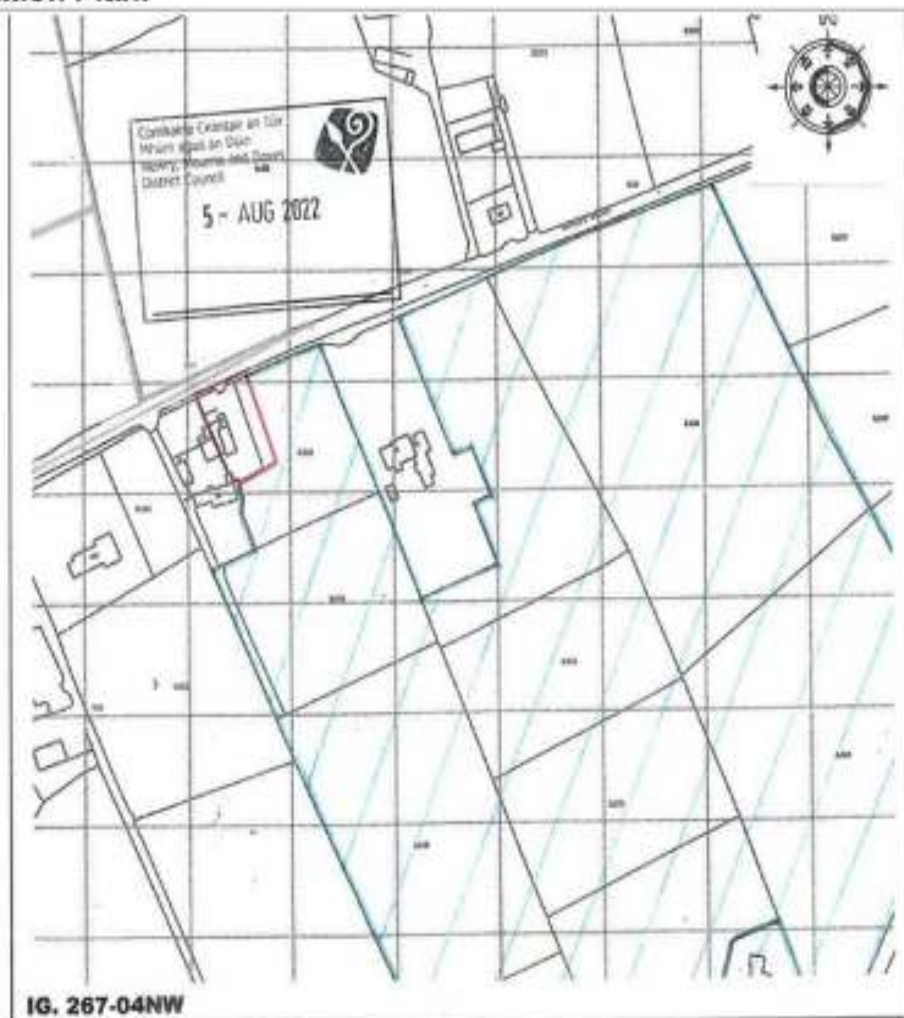
## Delegated Application

Development Management Officer Report	
<b>Case Officer:</b> Clare McCoy	
<b>Application ID:</b> LA07/2022/1269/F	<b>Target Date:</b> 30/11/2022
<b>Proposal:</b> Proposed agricultural storage shed for storage of agricultural machinery and farm implements	<b>Location:</b> 20 Newry Road Hilltown Newry BT34 5TG
<b>Applicant Name and Address:</b> Brendan McCartney 6A Yellow Road Hilltown BT34 5UD	<b>Agent Name and Address:</b> 31 Yellow Road Hilltown BT34 5UD
<b>Date of last Neighbour Notification:</b>	27 September 2022
<b>Date of Press Advertisement:</b>	23 August 2022
<b>ES Requested:</b> No	
<p><b>Consultations:</b></p> <p>DAERA – Farm business is established since 19 November 1991. Farm business is active and in receipt of farm payments in each of last 6 years. Farm business is registered to 6A Yellow Road, Hilltown, this is the location of the existing farm buildings.</p> <p>NI Water (Strategic) – Approval, standard conditions</p> <p>DFI Roads No objections to this proposal. These comments are on the basis that this proposal is for agricultural use only. The B8 Newry Road is a protected traffic route and Planning must be satisfied that this application is an exception to the policy.</p> <p>Environmental Health No objection subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Any feed materials being stored are dry / compound feeds and not silage.</li> <li>2. No animals are to be housed</li> <li>3. Any farm machinery is for storage and the premises are not being used as a commercial repair / end of life facility.</li> </ol>	
<b>Representations:</b> One neighbour notification was issued on 13 September 2022.	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00

Signatures	0.00
Number of Petitions of Objection and signatures	None
<b>Summary of Issues:</b> No third party representations were received.	

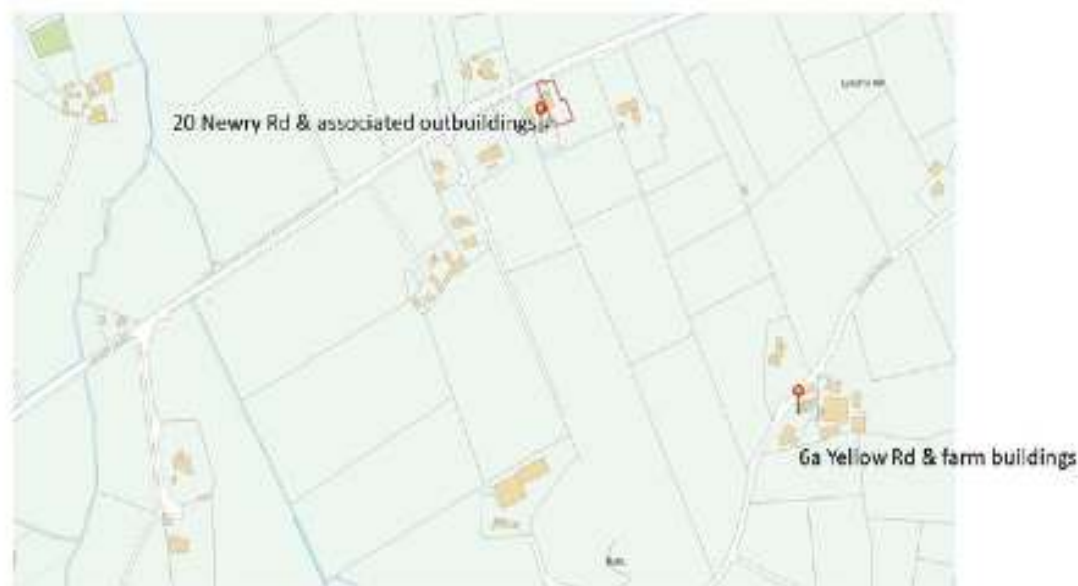
## Site Visit Report

### Site Location Plan:



**LOCATION MAP**

**SCALE 1:2500**



Map 1

**Date of Site Visit:** 15 September 2022 and 11 October 2022

**Characteristics of the Site and Area:**

The application site is located east and adjacent of No. 20 Newry Road, Hilltown. There are three outbuildings located at 20 Newry Road including a dwelling house. These are not associated with the applicant or the farm business, they are in the ownership of a third party. The farm buildings in ownership of the applicant and in association with the farm business number stated on the P1c form are located at 6a Yellow Road, Hilltown. There are at least nine farm buildings located at 6a Yellow Road, including the main farm dwelling - 6A Yellow Road and the applicant's relative's dwelling - 6 Yellow Road.

The application site itself consists of an existing concrete yard enclosed by a timber fence at the rear and post and wire fence on the eastern boundary. There is fall in the land towards Newry Road to the north. A single storey farm building outside the ownership of the applicant and farm business – see image below is located on the western boundary.





The lands to the east of the application site shown in blue on the site location map are in the control of applicant. The Design and Access Statement submitted states this land is leased from a third party and has been over the last number of years. The building to the right in the image above contained wood and tools on the day of site inspection (15 September 2022).

The outbuildings at 6A Yellow Road were inspected on 11 October 2022. There was at least nine buildings and they contained either farm machinery or farm animals – see map 2 below.



Map 2

### Description of Proposal:

Proposed agricultural storage shed for storage of agricultural machinery and farm implements.

### Planning Assessment of Policy and Other Material Considerations

This planning application has been assessed against the following policies:

- The Banbridge, Newry and Mourne Area Plan 2010,
- Strategic Planning Policy Statement (SPPS) for Northern Ireland,
- PPS21 Sustainable Development in the Open Countryside,
- PPS 3 Access, Movement and Parking,
- PPS 2 Natural Heritage
- DCAN 15 Vehicular Access Standards,
- The Building on Tradition (BOT) Sustainable Design Guide.

### Planning History:

No planning history on application site.

**Consideration and Assessment:****Proposal:**

This application seeks permission for an agricultural shed measuring 5m wide, 12m long and 4.2m high. The P1 description states this building is for machinery and equipment. The proposed materials include grey profile sheeting to the walls and roof with clear profiled roof panel.

For noting, the Supporting Statement states the applicant keeps a tractor, digger, small milking machine and animal feedstuff at 20 Newry Road, this differs slightly to the description as feedstuff is not machinery and milking machine would suggest animals will be coming into the building for milking. The applicant concurred on site that animals would be in the building. The Case Officer queried this with the agent, no changes have been made to the P1 description or Supporting Statement.

**The Banbridge, Newry and Mourne Area Plan 2010**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the 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 policies within PPS2, PPS3 and PPS21.

**Strategic Planning Policy Statement (SPPS)**

As there is no significant change to the policy requirements for agri. outbuildings 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 Countryside**

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes agri outbuildings if they meet the criteria set out in CTY12.

**CTY12**

Policy CTY 12 allows for planning permission to be granted for development on an active and established agricultural holding where it is demonstrated that it complies with specific criteria a) – e).

Firstly, it is necessary to establish if there is an active and established farm business on the farm holding. DAERA's consultation response confirmed the business is active and established. However, Certificate C on the P1 form confirms the lands outlined red on the site location map are in the ownership of a third party not connected to the farm business or applicant. The supporting statement from the agent confirms that the lands



at Newry Road have been leased for several years for grazing purposes. Therefore, the application site is on lands taken/leased and activity on lands owned by another party does not constitute activity on the applicant's holding. This is contrary to the thrust of CTY 12. The agent was made aware of this issue via email on 7 December 2022.

*a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;*  
The agent has provided a supporting statement explaining the existing buildings at 6a Yellow Road are in use for the applicant's agricultural needs. These buildings were inspected and appear to store either machinery or animals as per Map 2. The agent states the new shed is required at 20 Newry Road to house and maintain the applicant's farm machinery and equipment to protect them from the weather and theft. The machinery noted includes a tractor, digger and small milking machine. Animal feed stuff is also to be stored. The Planning Department are not convinced this building is *necessary* (my emphasis) for the efficient use of the farm holding at 6a Yellow Road, and that all alternatives have been explored and exhausted. The machinery referred to are vehicles, all on wheels (with the exception of the milking machine and feedstuff) and could travel the short distance to the fields at Newry Road 380m from the main holding. Furthermore, there is no evidence submitted to date outlining why the existing buildings at 6a Yellow Road could not be extended, altered or redeveloped to store farm machinery or animal feedstuff. No persuasive health and safety reasons have been presented why this alternative site away from the holding and existing buildings should be accepted, or that there are no other sites available elsewhere on the holding. The DAS only advises there are no other suitable buildings at this part of the holding, and makes reference to the existing outbuildings in situ along the Newry Road although which are not part of the farm holding. Criteria A has not been met.

*(b) in terms of character and scale it is considered to be appropriate to its location;*  
The proposed shed is agricultural in appearance with grey profile sheeting to the walls and roof with clear profiled roof panel. The proposed shed's size and scale is appropriate. However, in terms of grouping it is 380m (as the crow flies) from the existing farm buildings and will not read with them from surrounding vantage points. The farm buildings at 20 Newry Road belong to a third party outside the farm holding and linkage to these cannot be relied upon for the policy. Criteria B is not met.

*(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;*

The proposed building is 4.2m high, 5m wide and 12m long. It is sited 20m back from the Newry Road. Generally speaking, buildings of this size and scale are considered appropriate in countryside locations. Existing fencing encloses the site along the eastern boundary which will provide some degree of enclosure and screening from this direction. In the opposite direction the existing built development will provide a degree of screening, where the proposed shed will read together with this existing built form. While it is acknowledged the building proposed may integrate due to its size and siting beside existing buildings, as stated above, these buildings are on a different holding, and to position the shed with buildings on a neighbouring farm holding goes against



the principles of policy, and should not be relied upon. However, it cannot be said the modest sized building will appear unduly prominent in the landscape. Criteria C is not offended.

*(d) it will not have an adverse impact on the natural or built heritage;*

The proposal will not have an adverse impact on features of natural or built heritage. Criteria D is met.

*(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

The proposal is located at 20 Newry Road which is on third party land outside the farm holding. There is a residential dwelling and three outbuildings located here, which are not within the applicants ownership. The Planning Department consider the proposed shed has the potential to have a detrimental impact on the amenity of a residential dwelling outside the holding by way of noise from machinery and potentially odours if feedstuff is to be stored.

Environmental Health were consulted and raised no objection provided animals and no silage are stored in the building. Dried feedstuff only. This however is at odds with the information provided by the applicant during the site visit, who advised the intention is that animals would be kept in the building. This was raised with the nominated agent however nothing further was received. Accordingly, the report and assessment is based on the premise that no animals or silage will be kept within the building as per the description, and appropriately worded conditions would be included, if permission was to be granted.

CTY 12 further states that in cases where a new building is proposed applicants will also need to provide sufficient information to confirm **all** of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used*

As previously stated, this application is described on the P1 form for farm machinery. The machinery described in the supporting statement are all vehicles on wheels and it would take less than 5 minutes to travel to the application site from the main holding. There are no justifiable reasons why this machinery could not be stored at the main holding. Furthermore, the existing buildings at 6A Yellow Road were inspected. These buildings are in use for either machinery, animals and associated agricultural activities. There has been no information provided to demonstrate that the existing outbuildings could not be renovated, altered or redeveloped to cater for the applicant's farming needs.

- the design and materials to be used are sympathetic to the locality and adjacent buildings

The proposal accords with this criterion.

- the proposal is sited beside existing farm buildings

As previously stated, Certificate C on the P1 form confirms the lands outlined red on the site location map are in the ownership of a third party not connected to the farm business or applicant. Therefore, the existing buildings at 20 Newry Road are not part of the agricultural holding associated with the farm business identified on the P1C form. These buildings cannot be relied upon for grouping or siting reasons. The main farm buildings are located at 6A yellow Road, Hilltown which is 380m south of the application site. Crucially and fatally, the proposed shed is not sited beside existing farm buildings on the active and established holding of the applicant.

The proposal therefore fails two of the bullet points listed above in addition to criteria A, B and E.

The applicant/agent has not engaged the exceptionality clause of policy CTY12, away from the holding, as they are relying on the existing buildings, which do not form part of the holding.

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

#### **CTY14 – Rural Character**

Policies CTY13 and CTY14 set out where a new building will be unacceptable, with Policy CTY13 listing 7 requirements (a-g), and CTY14 listing 5 requirements (a-e).

As stated above, the subject building is relatively small in size and will be sited adjacent to and will read together with other existing outbuildings. These existing outbuildings are not on the farm holding of the applicant, and as such this causes concerns in regards to other policy aspects, however in respect of policy CTY13 it is considered the development proposed does not offend the requirements of CTY13. The building is small and agricultural in appearance, and is sited immediately adjacent to existing buildings, thus will read together with these existing buildings when viewed from public viewpoint along the Newry Rd, and is located immediately adjacent to the yard area and existing boundaries, and will be served by an existing access.

However, it is considered the proposal fails criteria B and D of CTY 14. It is considered the siting of the proposed shed would add to the existing ribbon of development along this stretch of Newry Road and would result in a suburban style build-up and overall does not respect the traditional settlement pattern in the area.

### **PPS 2 Natural Heritage**

The application site is within Mourne AONB and therefore Policy NH 6 is applicable. Policy NH 6 states permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of appropriate design, size and scale for the locality and where additional criteria are met. The shed is agricultural in appearance and its design, size and scale are similar to many agricultural sheds in the countryside, and while the proposal is sited on lands outside the farm holding on balance it is considered it does not offend the requirements of policy NH6 of PPS2.

<b>Building on Tradition a Design a Sustainable Design Guide for the NI Countryside</b> Supplementary guidance on the assessment of farm dwellings is contained in Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside. I consider the proposal fails to group with the main farm buildings and it does not meet any of the exceptions listed under CTY 12, for this reason the proposal fails to meet the guidance set out in BOT.	
<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation: Refusal</b>	
<b>Reasons for Refusal:</b> The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: <ul style="list-style-type: none"> <li>• The lands outlined red on the site location map do not form part of the applicants active and established agricultural holding and it fails to meet any of the exceptional considerations for an alternative site away from the existing farm buildings.</li> <li>• It has not been demonstrated that the buildings are necessary for the efficient use of the agricultural holding and that existing buildings are not available at 6A Yellow Road, Hilltown.</li> <li>• In terms of character and scale it is not appropriate to its location.</li> </ul> The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: <ul style="list-style-type: none"> <li>• it results in a suburban style build-up of development when viewed with existing and approved buildings;</li> <li>• It creates or adds to a ribbon of development.</li> </ul>	
<b>Case Officer Signature:</b> Clare McCoy	
<b>Date:</b> 30 October 2023	
<b>Appointed Officer Signature:</b> M Keane	
<b>Date:</b> 30-10-23	

**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date**

\_\_\_\_\_



**CORMAC McKAY**  
**ARCHITECTURAL SERVICES**  
 31, Yellow Road, Hilltown, Newry. bt345ud

11TH DEC 2023

Planning Ref: LA07/2022/1269/F

Proposed agricultural storage shed for storage of agricultural machinery and farm implements at 20 Newry Road Hilltown Newry BT34 5TG  
 for Brendan McCartney.

Dear Sir/Madam,

I wish to request speaking rights for myself Cormac McKay at the next planning committee meeting on Wednesday 13<sup>th</sup> December in regard to the above planning application and noted below.

**Reasons for refusal**

- The lands outlined red on the site location map do not form part of the applicants active and established agricultural holding and it fails to meet any of the exceptional considerations for an alternative site away from the existing farm buildings.
- It has not been demonstrated that the buildings are necessary for the efficient use of the agricultural holding and that existing buildings are not available at 6A Yellow Road, Hilltown.
- In terms of character and scale it is not appropriate to its location. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- it results in a suburban style build-up of development when viewed with existing and approved buildings; • It creates or adds to a ribbon of development.

The applicant in this application Mr McCartney is a dairy farmer with a large dairy herd in excess of 100 milking cows and the siting of this proposed shed has become necessary for the efficient use of his agricultural holding to store machinery that is required for use in the event of a sick animal needing immediate attention at the Newry Road side of his farm. For health and safety reasons, machinery from the main farm passing through a number of grazing fields filled with dairy cattle is not practical and by road it is also a health and safety issue as the Newry Road is an extremely fast and busy main protected route especially at night when numerous accidents have occurred with farm vehicles involved. Although the shed could be used to attend to a sick animal, no animals will be kept or housed in the proposed shed as expressed by Environmental Health.

I would now like to comment on each of the reasons for refusal as follows:

**Reason 1,**

I agree that part of the lands outlined in red do not form part of the applicants holding, but this proposed shed 'is' situated on the applicants holding as outlined on the farm maps, with the remainder of the land outside of the holding outlined in red, done so to include the existing road entrance and adjacent hard standing area. Also as already stated for health and safety reasons and the need for this proposed shed at the Newry Road side of the applicants holding, this should meet the exceptional considerations for an alternative site away from the existing farm buildings.

**Reason 2.**

The planning report confirms that the existing sheds at the main farm complex are all in use for either animals or machinery and extending or restructuring in any manner defeats the purpose why the proposed shed is needed away from the main farm buildings at this siting for the efficient use of the agricultural holding.

mob: 07834467502

tel/fax: 028 406 38321

[cormac.mckay27@gmail.com](mailto:cormac.mckay27@gmail.com)

**CORMAC McKAY**  
**ARCHITECTURAL SERVICES**  
 31, Yellow Road, Hilltown, Newry. bt345ud

Reason 3 & 4.

The planning report states all of the following:

The proposed shed's size and scale is appropriate, it is acknowledged the building proposed may integrate due to its size and siting beside existing buildings, it cannot be said the modest sized building will appear unduly prominent in the landscape. The proposal will not have an adverse impact on features of natural or built heritage, the design and materials to be used are sympathetic to the locality and adjacent buildings, and in respect of policy CTY13 it is considered the development proposed does not offend the requirements of CTY13. The building is small and agricultural in appearance, and is sited immediately adjacent to existing buildings, thus will read together with these existing buildings when viewed from public viewpoint along the Newry Rd and is located immediately adjacent to the yard area and existing boundaries and will be served by an existing access.

The planning report also states that due to the lands outlined in red being in third party ownership and the application site being on lands taken/leased, activity on lands owned by another party does not constitute activity on the applicant's holding.

I disagree with this as the proposed shed being on lands taken/leased and under the control of the applicant as shown on his farm maps is part of his active and established farm business as confirmed by DAERA. Holding has the dictionary meaning 'An area of land held by lease' and 'land that you rent and farm.' This was similar to approved application LA07/2021/1798/F for a cattle handling facility, where Certificate C on the P1 form indicated that the land on which the facility was erected was not in the ownership of the applicant but leased by him and included in his active and established farm business, confirmed by DAERA.

In Conclusion

The planning report accepts that the proposed shed will visually integrate into the local landscape.

The planning report accepts that the buildings at the main farm complex are not available for the proposed use.

All statutory consultations have been returned with no objections noted.

The owner of the land in this application, who is also the owner of the residential property within 75m of the proposed shed has given full consent to this proposal and therefore the applicant has become associated with this residential property.

The applicant has no objection to conditions being added to an approval as deemed necessary by planning regarding feedstuffs, housing of animals etc.

Finally, and most importantly, the applicant has been waiting for more than a year for this application to be approved and in that time, he has had some animals die, which could have been prevented had this shed at the opposite end of his farm holding been available to him.

Thank you.

Cormac McKay

mob: 07834467502

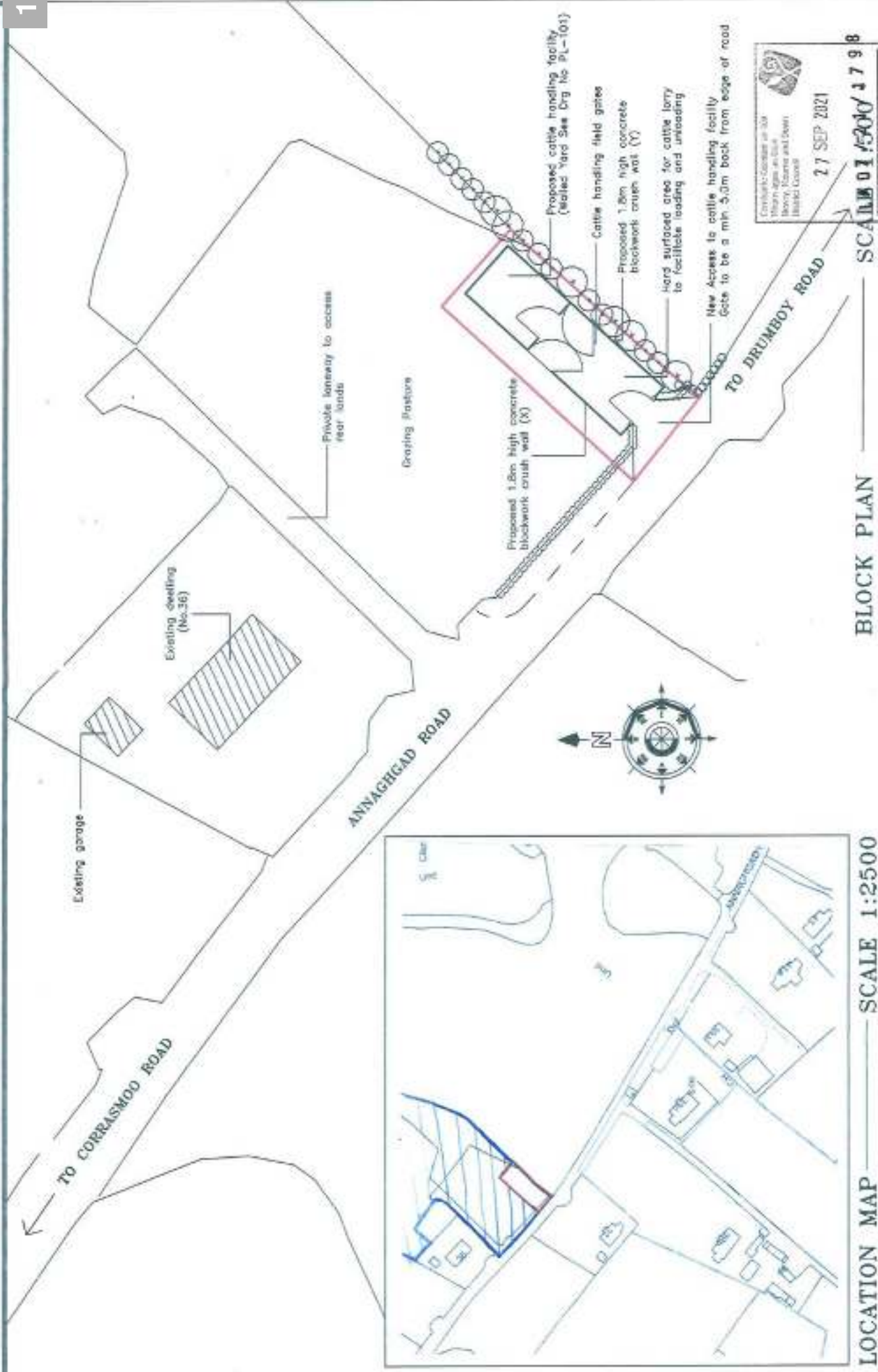
tel/fax: 028 406 38321

[cormac.mckay27@gmail.com](mailto:cormac.mckay27@gmail.com)



CATTLE HANDLING FACILITY (WALLED YARD) AND ASSOCIATED ACCESS ADJACENT TO AND S.E. OF 36, ANNAGHCAD ROAD, CROSSMAGLEN, BT35 9JG FOR MR BRIAN GOODMAN

186



LOCATION MAP — SCALE 1:2500

BLOCK PLAN

LOCATION MAP & BLOCK PLAN  
(Planning Drawing)

Revision No.	Date	Revision	Date	Job No.	Scale	Drawing Title
				B.G./2021/001	1:500/2500	LOCATION MAP & BLOCK PLAN (Planning Drawing)
				PL-300		

## Form P1

# Application for permission to develop land

## Official Use

Application No. \_\_\_\_\_  
 Fee Received £ \_\_\_\_\_  
 Receipt No. \_\_\_\_\_

**Please read the notes below first – for additional guidance please see the “Explanatory Notes on Applying for Planning Permission, Approval of Reserved Matters and Other Planning Consents” and “Notes on Completion of Form P1” on the DfI website (<https://www.infrastructure-ni.gov.uk/>) or discuss any queries with your local planning office.**

Please note that when you submit a planning application the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (<http://epicpublic.planningni.gov.uk/publicaccess/>). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at [www.infrastructure-ni.gov.uk/dfi-privacy](http://www.infrastructure-ni.gov.uk/dfi-privacy). To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

**Important: This form should NOT be used for the following types of application:**

- Householder Application (see form PHD)
- Section 54 - Develop land without compliance with conditions (see form P001)
- Listed Building Consent (see form LB1)
- Conservation Area Consent (see form PCAC1)
- Advertisement Consent (see form A1)
- Certificate of Lawful Development (see forms LDC1 or LDC2)



## 1a. Applicant's name and address

## 1b. Agent's name and address (if any)

Name:	MR BRIAN GOODMAN	Name:	CORMAC McKay
Address:	40 ANNAGHGAD ROAD	Address:	31, YELLOW ROAD
Town:	CROSSMAGLEN	Town:	HILLTOWN
Postcode:	BT35 9JG	Postcode:	BT34 5UD
Tel:		Tel:	07834467502
		Ref. No.:	

## About the Application Site

**2. Give the full postal address of the site to be developed**  
 (outline in red on site location map and give townland if known)

ADJACENT TO AND SOUTH EAST OF No.36, ANNAGHGAD ROAD, CROSSMAGLEN, BT35 9JG.

**3. What is the area of the site in hectares?** 0.055 HECTARES

**4. State the present use of the land / buildings (if vacant state last use and date last use ceased)**

AGRICULTURAL GRAZING PASTURE



## About your Development Proposal

5. Please give details of the proposed development, including purpose for which the land / buildings are to be used. (It is vital that a full and accurate description of the proposal is provided. Give as much detail as possible including number of houses / apartments etc)

ERECTION OF CATTLE HANDLING FACILITY (WALLED YARD) AND ASSOCIATED ACCESS

6. Do the current proposals involve: (tick as appropriate)

new buildings	<input checked="" type="checkbox"/>	alteration or extension of buildings	<input type="checkbox"/>
change of use	<input type="checkbox"/>	retention of development	<input checked="" type="checkbox"/>
development without complying with conditions	<input type="checkbox"/>	other operational development	<input type="checkbox"/>

### 7. Pre-Application Discussion

Have you received any pre application advice from your local council in relation to this proposal?

Yes ☐ No ☒ If Yes please provide Reference No:

### 8. Major Development

Does the proposal involve a class of development listed in the Schedule of The Planning (Development Management) Regulations (Northern Ireland) 2015?

Yes ☐ No ☒

If Yes has a Proposal of Application Notice been submitted for this development?

Yes ☐ No ☐ If Yes please provide Reference No:

If a Proposal of Application Notice has been submitted, has a Pre-Application Community Consultation report been submitted along with this application?

Yes ☐ No ☐

**NOTE: Failure to submit a Pre-Application Community Consultation Report with any Major development will result in your application being returned.**

9. Is this a temporary permission? Yes ☐ No ☒

If yes, please state how long the permission is required for and why:

10. Please tick the appropriate box below to indicate the type of application:

- Outline permission ☐
- Full permission ☒
- Renewal\* ☐
- Reserved Matters\* ☐

\* Please provide the reference number of the previous application and date when permission was granted

Ref. No.:

Date:

11. Are you aware of a previous application for a similar proposal on this site? No ☒ Yes ☐

If Yes, give Ref No. of previous application

12. Do the access arrangements for this development involve: (tick as appropriate)

- Use of an existing unaltered access to a public road? ☐
- Construction of a new access to a public road? ☒
- Alteration of an existing access to a public road? ☐

Is the access for: Vehicular Use ☒ Pedestrian Use ☐ Both ☐

**NOTE: If you propose to construct a new access or alter an existing one you must include full drawings with your application.**

13. Do you own or control any adjoining land?

Yes ☒ No ☐ If Yes, outline in blue on site location map

14. Are you aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended)? Refer to the Department of Agriculture, Environment and Rural Affairs website ([www.daerani.gov.uk](http://www.daerani.gov.uk))

Yes ☐ No ☒ If Yes, what species?

15. Is there a **public** right of way within or adjoining the site of the proposed development?

Yes ☐ No ☒ If Yes, show in green on your site location map

16. What is the source of the water supply?

Mains ☐ Other ☐ If Other, please specify

17. How will the surface water be disposed of?

NOT APPLICABLE

18. How will foul sewage be disposed with?

Mains ☐ Septic Tank ☐ Other ☐ If Other, please specify

### 19. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐

No ☒

**NOTE: If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application may be determined. You may wish to contact your local planning office for advice on what information may be required.**

20. Does the application relate to a proposal for a dwelling for a on a farm? (tick yes or no)

Yes ☐

No ☒

If Yes, form P1C must be completed

**If your application relates to Non Residential Development please complete questions 21-25, if not go to question 26**

21. In the case of industrial development, give a brief description of the process, products and type of plant and machinery to be operated.

NOT APPLICABLE

22. What is the anticipated daily water requirement?

N/A

m<sup>3</sup>

23. What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?

N/A

24. Please detail floorspace as indicated below

N/A Floorspace uses	Existing area (m <sup>2</sup> )		Proposed addition or replacement (m <sup>2</sup> )		Total	
	Gross	Net	Gross	Net	Gross	Net
Production						
Sales						
Offices						
Storage						
Ancillary uses						
Total						

25. Indicate in the grids below answers to the following

Average No. of vehicles at N/A premises daily from	Existing	Expected increase	Total
Staff			
Visitors/Customers			
Goods			

Average No. of persons attending premises daily	Existing	Expected increase	Total
Employees			
Others Attending*			
Total			

\* Others attending include visitors, customers, diners, spectators, pupils etc.

## 26. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes ☐ No ☒

Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes ☐ No ☒

If you have answered yes, please provide details (name, relationship and role):



# Planning Application Certificate

27. - Fill in ONE of the following certificates as required under Section 42 of the Planning Act (Northern Ireland) 2011. This form constitutes a statement of ownership, not proof of ownership.
- If you are applying for Approval of Reserved Matters following a grant of outline permission a certificate is NOT required.

## CERTIFICATE A

I hereby certify that the accompanying application is made by or on behalf of \_\_\_\_\_  
(Please use BLOCK LETTERS)

Who is in actual possession of every part of the land to which the said application relates and is entitled to \*a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remain unexpired in the land. \*You must delete words which do not apply.

Signature of applicant/agent

Date

or

## CERTIFICATE B

I hereby certify that the accompanying application is made by or on behalf of \_\_\_\_\_  
(Please use BLOCK LETTERS)

Who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application relates and that at the date of the application:

- (a) a beneficiary under the trust or settlement is in the actual possession of every part of the land; and  
(b) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of 40 years.

Signature of applicant/agent

Date

or

## CERTIFICATE C

I hereby certify that the §requisite notice of the accompanying application has been given by or on behalf of BRIAN GOODMAN (Please use BLOCK LETTERS)

to any person, who at the beginning of the period of 21 days ending with the date of the said application was, in relation to all or any part of the land affected by the application:

- (a) a person then in actual possession;  
(b) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years; and  
(c) a person [not being a person falling within (a) or (b)] entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are:

Name and Address	Interest	Date of service of notice
LARRY GOODMAN	OWNER	03/09/2021
_____	_____	_____
_____	_____	_____

Signature of applicant/agent

Date 07/09/2021

§ Copies of the requisite notice (Form P2A) may be obtained from your local planning office

or

# **CERTIFICATE D**

1. I hereby certify that the person making the accompanying application:

(a) is unable to issue a certificate in accordance with either Section 42(1)(a) or (b) of the Planning Act (Northern Ireland) 2011;

(b) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of Section 42(1)(c) of the said Act for the following reasons;

(c) has given the requisite notice of the application to the undermentioned persons who, at the beginning of the period of 21 days ending with the date of the said application, were in the actual possession of all or part of the land to which the application relates, namely:

Name and Address:

Date of service of notice:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Notice of the said application has been published in the \_\_\_\_\_ on \_\_\_\_\_ and a copy of the newspaper in which the notice appeared is enclosed.

Signature of applicant/agent \_\_\_\_\_ Date \_\_\_\_\_

§ Copies of the requisite notice (Form P2A) may be obtained from your local planning office.

**WARNING:** Any person who knowingly or recklessly issues this certificate containing a statement which is false or misleading is guilty of an offence and liable on summary conviction to a fine.

## Statutory Neighbour Notification of Planning Application

*You are not required to notify the occupiers listed below. This will be done by the Council, or as the case may be, the Department for Infrastructure.*

**28.** Please give the address of any identified occupiers of buildings on neighbouring land. An 'identified occupier' is the occupier of premises within a 90 metre radius of the boundary of the proposed application site, provided they adjoin the application site. 'Neighbouring land' is land which directly adjoins the application site, or which would adjoin it but for an entry or road less than 20 metres in width. Where identified occupiers of a building on neighbouring land have to be notified and the building is in multiple occupation give the addresses of all occupiers.

a) Address:	36 & 37 ANNAGHGAD ROAD	b) Address:	
Town:	CROSSMAGLEN	Town:	
Postcode:	BT35 9JG	Postcode:	
c) Address:		d) Address:	
Town:		Town:	
Postcode:		Postcode:	
e) Address:		f) Address:	
Town:		Town:	
Postcode:		Postcode:	
g) Address:		h) Address:	
Town:		Town:	
Postcode:		Postcode:	
i) Address:		j) Address:	
Town:		Town:	
Postcode:		Postcode:	

*If there is not enough space please list any additional addresses on a separate sheet.*

## Fee Payable

**29.** Please read 'Planning Fees Explanatory Notes for Applicants' available on the [DfI website](#) and submit the correct fee as set out in the scale of fees in the current Fee Regulations.

Please give details of the fee category/ies

SCHEDULE 1 PART 2, 7

I enclose a cheque / postal order no.

for the sum of £

968.00

Cheques or postal orders should be made payable to your relevant council, or as the case may be, the Department for Infrastructure and crossed 'Not negotiable, A/C Payee only'.

- 30.** Sections 4 and 5 of the 'Planning Fees Explanatory Notes for Applicants' provide further information on the fee exemptions/reductions that are available to applicants, **subject to certain conditions**, and the **evidence** which is required to be submitted.

Do you qualify for a reduced or nil fee? (tick as appropriate)

- ☐ The application is for the extensions / alterations to a disabled person's dwelling house to improve access, safety or comfort.
- ☐ The application is for the carrying out of works for the purpose of providing a means of access for disabled persons to a public building.
- ☐ The application relates to the provision of community facilities (including sports grounds) and playing fields and has been made by, or on behalf of, a non-profit making club, society or other organisation.
- ☐ The application is to renew planning permission where the existing approval has not yet expired and therefore a reduced fee of 25% of the normal fee applies.

If **Yes**, please provide the Ref No. of the existing approval:

### Declaration

**The information \*I / we have given in this Form P1 and accompanying plans is correct and complete to the best of my knowledge and belief.**

**\*I / We apply for planning permission for the development described in this application and the accompanying plans.**

**Signature of \*Applicant/Agent** \_\_\_\_\_

**Date** 07/09/2021

\* Delete as appropriate



20, NEWRY ROAD  
HILLTOWN  
NEWRY  
BT34 5TG

04<sup>th</sup> Dec 2023

Re: Planning Application LA07/2022/1269/F

Proposed agricultural storage shed for storage of agricultural machinery and farm implements  
At 20, Newry Road, Hilltown, Newry, BT34 5TG.  
For Brendan McCartney

TO WHOM IT MAY CONCERN

With regard to the above stated planning application LA07/2022/1269/F, I wish to confirm that I am the owner of the dwelling house at No.20, Newry Road, Hilltown, Newry BT34 5TG together with the outbuildings and the land associated with this planning application and I wish to state that I have no objection and fully support this proposal including the need to store small amounts of feedstuff and for its use to attend to the applicants sick animals as and when required.

Signed *Jan Bailie*

Printed JAN BAILIE

Date 05, 12, 2023.

## INFORMATION ON YOUR 2021 SCHEME MAP

Business Ref:



Department of  
Agriculture, Environment  
and Rural Affairs  
www.darra-hi.gov.uk

197

Date: 15/01/2021

A	B	C	D	E	F	G	H	I	J
Field Number	Total Field Area (Ha)	Land Type	Field Classification	Ineligible Features Breakdown (Ha)	Maximum Eligible Area (Ha)	Type of Change Applied	Field Status	Is Heather Present?	Townland
2055/06 1/2/A	0.280	DA	PG		0.28	Boundary Change	Ortho Verified		Annaghgad
2055/06 1/2/B	0.926	DA	PG	Hard 0.176 Ineligible Vegetation 0.158 Ineligible Vegetation 0.096	0.59	Boundary Change	Unverified		Annaghgad
2055/14/2/11	1.955	DA	PG		1.80	Boundary Change	Ortho Verified		Closallig
2055/14/2/15/A	1.298	DA	PG		1.3	Boundary Change	Ortho Verified		Closallig
2055/14/2/16/A	0.826	DA	PG		0.92	Boundary Change	Unverified		Closallig
2055/14/2/19	0.227	DA	PG		0.23	Unchanged	Ortho Verified		Closallig
2055/14/2/22	0.511	DA	PG	Water 0.229	0.28	Unchanged	Unclear		Closallig
2055/20 1/1	0.882	DA	PG		0.88	Unchanged	Ortho Verified		Closallig
6/120/100/1/A	0.439	LL	PG	Ineligible Vegetation 0.103	0.34	Unchanged	Verified		Curran
6/120/100/1/B	0.242	LL	UC	Ineligible Vegetation 0.242	0	Unchanged	Ortho Verified		Curran
6/120/100/1/C	0.216	LL	PG	Ineligible Vegetation 0.075	0.14	Boundary Change	Verified		Curran
6/120/100/2	0.729	LL	PG	Ineligible Vegetation 0.281	0.45	Unchanged	Verified		Curran
6/120/100/3	0.236	LL	PG	Ineligible Vegetation 0.098	0.14	Unchanged	Verified		Curran
6/120/100/4	0.115	LL	PG		0.12	Unchanged	Unclear		Curran
<b>Total Area (Ha)</b>	<b>3.04</b>				<b>7.62</b>				



27 SEP 2021

LA 07 / 21 / 1798

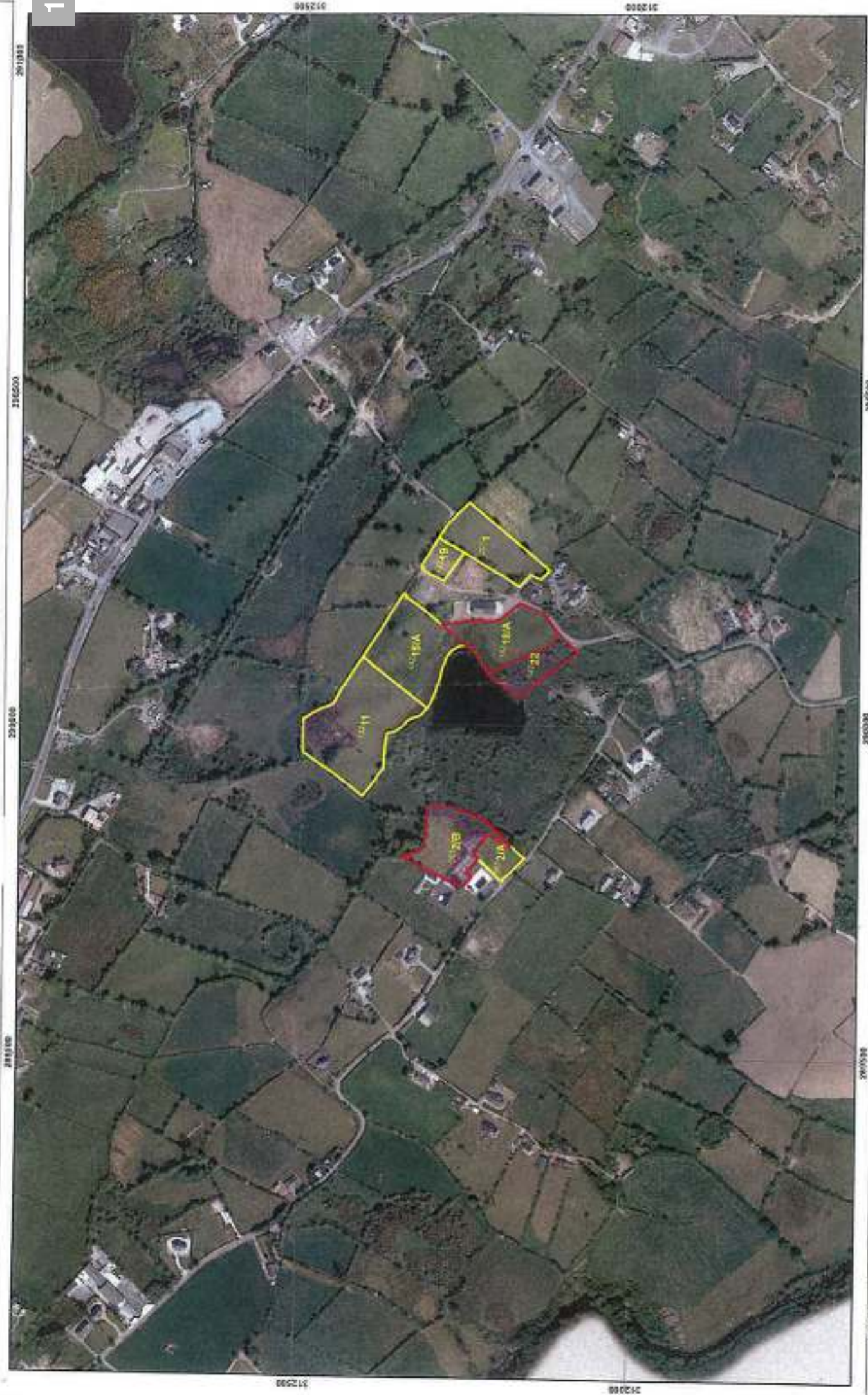
NOTE: A percentage reduction may be applied to ineligible vegetation, heather and rock

Printed: 15/01/2021

Page 1 of 3

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Field Boundaries

Verified

Unverified

Unclear

Field to be deleted

Ineligible Features

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0

50

100

200

300

400

500

Metres

Scale: 1:5,000

Printed: 15/01/2021

Photo Date(s): 06/08/2018

Page 2 of 3









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

**Application Reference:** LA07/2022/1811/F

**Date Received:** 14.11.2022

**Proposal:** Proposed 2no. infill dwellings with associated garages

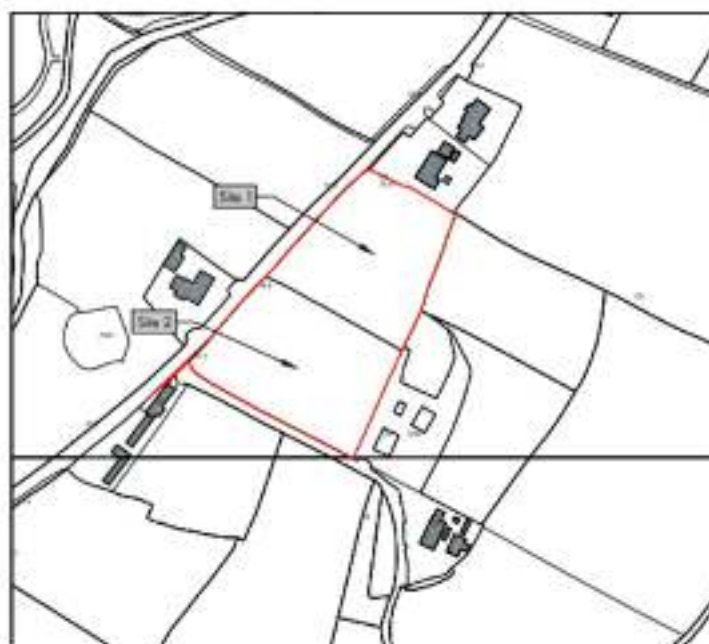
**Location:** LANDS BETWEEN 21 AND 29 NEWTOWN ROAD  
NEWTOWN, ROSTREVOR, DOWN, BT34 3BZ

### 1.0 Site Characteristics and Area Characteristics

The application site is located outwith any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is approximately 0.16 miles north of the settlement development limits of Rostrevor. The application site has been screened for features of both historic and natural environment. The application site is located within the Mourne Area of Outstanding Natural Beauty and further within a Local Landscape Policy Area of Rostrevor (designation RR 09).

The application site is located between number 21 Newtown Road and number 29 Newtown Road and comprises 2 sizeable fields at present. The application site is screened from the Newtown Road via mature hedging and trees. There is a field gate that provides access to the application site upon which it can be visualised that the application site rises in topography from the Newtown Road towards the rear of the application site. Beyond the application site is a number of dwellings and thereafter a backdrop of forested trees.

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



## 2.0 Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

## 3.0 Site History

Having reviewed the application site history it is noted that there are no applications on the application site. Surrounding the application site there have been numerous applications for dwellings, extensions and dog kennels.

## 4.0 Consultations

Having account the constraints of the site and surrounds, consultations were issued to the following consultees:

- NI Water – No objections to the proposal as presented subject to standard planning conditions.
- DFI Roads – Initially requested a number of changes to the plans including sight lines, septic tank and soakaway details. Following revised

information being submitted to the Planning Department re-consultation was issued and DFI Roads responded to the consultation offering no objections in principle.

- Historic Environment Division – No objections to the proposal provided conditions to be attached to any positive recommendation on the application site to include the implementation of a developer- funded programme of archaeological works.

## 5.0 Objections and Representations

7 Neighbours were identified to be notified of the application, and were notified in Dec 2022. The application was also advertised in the local press on the 21<sup>st</sup> December 2022.

One objection, three letters of Support and one petition of support have been received to date (08.11.2023).

### Representations received

On the 24<sup>th</sup> April 2022 one objection was received from Gray Design acting on behalf of James McCartan who resides at 29A Newtown Road. Their client raised concerns with the red line and the stone wall to the front of his property. The client did not give permission for his lands to be demolished to provide sight splays. A further email was received from said Agent on the 3<sup>rd</sup> October 2023 whereby he set out that his client was now content with the application that it does not impact on any of his property.

*A letter of support was received from Tony Lynch which set out that they give their support for this application. Both proposed properties will enhance the locality and are in keeping with the wider existing area.*

*An email was received from Sean Morgan setting out I support the homes that have been proposed under this planning application. There is little or no land located within the development limit of Rostrevor ... I do not believe that this proposal will have an adverse impact on this part of the countryside.*

*An email was received from Shauna Ennis which set out I am writing to support a recommendation for approval for above planning reference.*

A Petition of support which provided 16 signatures was received to the Planning Department.

### Correspondence with Agent

Various emails were received from the Agent dating from the 6<sup>th</sup> March 2023 and the 13<sup>th</sup> June 2023 whereby the Agent requested numerous updates on the application and consultee responses such as DFI Roads and Representation responses were provided.

Following initial consideration of the case, the Planning Department issued an email to the nominated agent on the 19<sup>th</sup> June setting out the following concerns: "... the application site does not constitute a small gap site and thus contrary to CTY 8 of PPS 21. Notwithstanding this the Planning Department would consider that the design elements to include the design of a hipped roof is not an appropriate design characteristic for the area and that the extent of built



*development on the sites and their presentation to the road is considered inappropriate to include the outbuildings and stables. Finally, the extent of curtilages proposed are considered substantial and contrary to policy."*

The Agent provided a Design and Policy response on the 30<sup>th</sup> June 2023 and requested a meeting with the case officer and senior planner to discuss the contents of the document.

The Design and Policy Response and its contents which contains information on various planning applications, plot sizes, building on tradition, architecture within Rostrevor have been taken into account within the assessment of this report.

A Microsoft Teams meeting was facilitated on the 17<sup>th</sup> July at 10am. Those in attendance included the case officer, senior planner, Agent and Architect.

Following the meeting the Agent provided an email which included two attachments:

- Gap Site Principles (drawing 01-08B)
- Planning Meeting Notes

Both documents were uploaded to the portal and the Planning Department considered both documents.

A further email was received from the Agent on the 22<sup>nd</sup> August 2023 whereby the Agent attached drawings, case officer report and decision notice from a different application at 128 Clonallon Road, Warrenpoint whereby the Agent requested that it be considered in support of the application.

The Planning Department issued an email on the 29<sup>th</sup> August 2023 to the Agent setting out *... the application has been re-grouped following our meeting and with the further additional information submitted to date. The Planning Departments position remains in that the application presented does not constitute an infill opportunity and the application will be progressed as such.*" The Agent was given a further opportunity to submit any further information to be considered they should do so by the Tuesday 12<sup>th</sup> September.

A number of emails were received following this date confirming and resending revised drawings presented to the Planning Department to be uploaded and considered by the Planning Department.

### **Correspondence from the Applicant**

A number of emails have been received from the Applicant who raised the following points in his emails:

Email dated 20<sup>th</sup> September 2023:

*For ease of reference, this additional information, submitted via email on 8 September 2023, includes:*

1. *Updated site sections (3-3653-04-01, 3-3653-0402 and 3-3653-04-03).*
2. *A contextual street elevation of the Newtown Road, Rostrevor (3-3653-01-06) which demonstrates that the proposal follows the existing building line, does not appear prominent or conspicuous in the landscape and will blend into the existing*



*built-up frontage. I understand you visited the proposed site and I'm sure you will concur that it benefits from a substantial degree of enclosure, and a central boundary of mature trees spanning some 7 metres in width. Such enclosure was not afforded to planning references LA07/2023/2163/O, LA07/2022/1614/F, LA07/2022/1381/O, LA07/2022/0799/F, and LA07/2022/1328/O, amongst others, which were deemed acceptable by this same planning department.*

*3. A detailed plot frontage assessment (3-3653-01-07) which fully proves both visually and mathematically, that no more than the maximum of two dwellings could be accommodated as per the typical pattern of development, upon the existing frontage. You will note the average plot size on the same side of the road measures about 47m. Notwithstanding the mature, central tree boundary which our site benefits from, we accept each site under our proposal averages around 55m and is slightly bigger than the neighbouring plots. However, under planning reference LA07/2022/0799/F, prior to concluding that this particular site represented a small gap site, the case officer noted:*

*"It is acknowledged the application site is not directly in line with the average plot sizes however this policy test is not simply a mathematical equation, whereby the proposed 2 resulting plots will be larger than others along this frontage....It is considered the site represents a small gap site which would be able to accommodate no more than 2 dwellings."*

*It seems reasonable to me that the same planning department and the same appointed officer should apply the same principle and reach the same conclusion when assessing our proposed site.*

*During our conversation last week, you noted that, at present, the planning department contend that the proposed site may not represent an infill opportunity as it is deemed a visual break. My planning knowledge is very much mild, but I happened to be speaking with a councillor and raised the matter of our planning application. The councillor doubted the planning department's view and pointed towards paragraph 5.34 of CTY 8 which states that even where gaps between buildings provide relief and visual breaks in the developed appearance of a locality that help maintain rural character, infilling will be permitted where the gap is within an otherwise substantial and continuously built-up frontage.*

*Based on the information provided, I hope you would agree that we have demonstrated that:*

- 1. The proposed site is within an otherwise substantial and continuously built-up frontage.*
- 2. The gap is small and cannot accommodate more than a maximum of two dwellings, based on the average neighbouring plot size.*
- 3. The existing development pattern along the frontage is respected.*

*Our agent has submitted a comprehensive suite of documents in support of the application.*

*We believe a fair decision would be a positive recommendation.*

*A further email was received on the 27<sup>th</sup> September 2023 which compared the proposed application to a recently approved application on the Drumreagh Road*

LA07/2022/1333/F which set out the table inset below. The Applicant set out then that ... *for a lay person like myself, there are simply too many commonalities between both planning applications for there to be differing recommendations. The above summary reaffirms that a fair decision for our application is a recommendation for approval.*

Site Characteristics	Drumreagh Road, Rostrevor	Newtown Road, Rostrevor
Proposal	Infill site	Double Infill site
Site located in an AONB?	Yes	Yes
Distance outside the development limit of Rostrevor	0.65 mile	0.15 mile
Plot frontage	52m	55m per site (total plot frontage of 110m which includes a mature tree boundary spanning 7m in width)
Neighbouring plot frontage	46m. Surrounding plot sizes range from 33m to 52m. Case officer noted no. 29 Drumreagh Road was significantly smaller than those surrounding.	47m (plot frontage calculation is conservative). Dwelling directly opposite the proposed site has a plot frontage of 49m. Surrounding plot sizes range from 21m to 76m. No. 29A Newtown Road (plot frontage of 21m) would be considered significantly smaller than those surrounding.
Small gap site, having studied the immediate dwellings adjacent to the application site?	Yes. Case officer noted "Having studied the immediate dwellings adjacent to the application site it is considered that in this instance the gap site can only accommodate one dwelling whilst remaining respectful to the surrounding area".	Under Consideration
Screening / Enclosure	The site is bounded by a mix of elements to include a post and wire fence, hedging and vegetation. The case officer noted that "any further landscaping would enhance the application site" and "it is considered that there is a backdrop to the application site whereby beyond the rear boundary there is a hilled landscape with a forest which will provide enclosure to the dwelling". "The site is also bounded to either side with existing built form, which aids integration".	The proposed site benefits from a substantial degree of enclosure and a central, mature tree boundary which separates both proposed dwellings, whilst also providing a significant level plot screening. The backdrop to the proposed site is also a hilled landscape with Killbroney Forest providing additional enclosure at the rear boundary. Built form also exists at either side of the proposed site, which will aid integration. For ease of reference, pages 21, 22 and 23 of the document which you have entitled "Further Supporting Information R" (dated 8 September 2023) provides photographs of the significant level of natural screening and enclosure of the proposed site.
Recommendation	Approval	Under Consideration

#### Drawings to be assessed as part of this application:

- 01C Site Location Plan
- 01-02B Site Plan
- 01-04 Site Analysis
- 01-04 Site Plan/Planning History
- 01-07 – Plot Ratio Plan

- 01-08 – Site Plan Gap Site Principles
- 02-01 – Proposed Plans & Elevations Site 1
- 02-02 – Proposed Plans & Elevations Site 2
- 02-03 – Garage Floor Plans & Elevations Site 1
- 02-05 – Proposed Garage Floor Plans & Elevations Site 2
- 04-01A – Site Sections & Street View
- 04-02A – Site Sections
- 04-03A – Site Sections
- 04-04 – Site Sections

## 6.0 Assessment:

### Banbridge/ Newry and Mourne Area Plan 2015

**6.1** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

### Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

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

### Building on Tradition a Sustainable Design Guide for Northern Ireland

**6.3** Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that *ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character*. Paragraph 4.4.1 puts the onus on the *applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context*.

### Planning Policy Statement 2 – Natural Heritage

#### Policy NH5 – Habitats, Species or Features of Natural Heritage Importance

*Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:*

- *priority habitats;*

- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

*A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.*

*In such cases, appropriate mitigation and/or compensatory measures will be required.*

With regard to the above policy in order to provide splays and access to the application site hedges will be required to be removed. Hedges are considered a priority habitat thus care and consideration needs to be given to their removal. Works are required to the front portion of the application to create access and pipe drains. The applicant proposes to plant/retain hedging and trees as far as possible which in turn will provide compensation to any priority habitats lost. It is considered that the proposal would comply with policy NH5 in that there is substantial proposed new vegetation to compensate for any loss.

#### **Policy NH6 - 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*



In terms of the policy set out above, it is considered that the proposed dwellings would not create a demonstrable effect on the AONB as the proposed site is located whereby in the surrounds there is a variety of dwelling types. Whilst the Planning Department note there are a variety of dwelling types within the immediate surrounds the Planning Department would resist the design concept of hipped roofs as this would set a precedent within the area. Therefore the proposal would be contrary to policy NH6 by design.

### **Planning Policy Statement 3 – Access Movement and Parking**

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

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. The applicant intends to create two separate accesses to access the site. As set out above, DFI Roads were consulted and initially requested changes to the proposed accesses to the application sites. Following revised drawings being submitted DFI Roads were re-consulted and at this point offered no objections to the proposal provided that conditions were attached to any positive recommendation on the application site. (Splays of 2.4m by 70m are required to serve this development).

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

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8. (The proposal description clearly sets out this application is for 2 infill dwellings).

#### **CTY 8 – Ribbon Development**

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

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

The application site is located on the Newtown Road which serves a number of dwellings. The application site is located between numbers 21 and 29 Newtown Road and comprises 2 roadside fields. The frontages on the Road are noted as the following (approximate):

Number 21A – 50m

Number 21 – total frontage of approx. 72m. (However this includes the dwelling and adjoining farm buildings. This property is vacant and overgrown whereby historical imagery indicates a smaller plot frontage of approx. 26m for no.21 and a separate plot frontage of approx. 50m for the adjoining farm buildings, which should be applied accordingly).

Application Site – 141m

(Site 1 – 80m

Site 2 – 61m)

Number 29 – 41.5m

Number 29A – 28.6m

Number 31 – 15m (Only the access driveway and a small garden have frontage, with intervening field separating the curtilage with the road, thus do not have frontage and cannot be counted.

Number 31A – 23m (Extent of curtilage/frontage)

The application site has a frontage and gap/width of approx. 141m which is proposed to house two dwellings. The building to building gap is some 172m.

Having calculated the average frontage along the road it is estimated at approximately 33m. Through conducting a site visit it is further considered that the dwellings noted above all share a common frontage to the road with the application site. It is considered therefore that the proposal accords with policy in that it is sited within a substantial and continuously built-up frontage.

In terms of whether the application constitutes a small gap site relates to the matter of plot size. Having visited the site and studied the immediate context including topography and plot sizes of existing properties, it is considered the lands comprising the application site do not constitute a small gap site sufficient only to accommodate up to a maximum of 2 houses along this frontage.

It is considered this site is capable of accommodating more than two dwellings and therefore would not be considered a small gap site.

Indeed, the original proposal not only included the 2 proposed sizeable dwellings, however also included detached garages, carport and detached outbuildings/stables as this amount of built form was required to fill this large gap.

It is important to note that appeal reference: 2019/A0001 clearly states that it is not merely a mathematical exercise and having conducted a site visit, visualised the application site using aerial imagery and proposed drawings submitted to the Planning Department to be considered as part of this application it is considered that the proposal is not considered acceptable as an infill opportunity and would be viewed as an important visual break in the landscape to maintain the rural character. It is considered that dwellings on the site would be out of character with the surrounding area and contribute to ribbon development.

The applicant has cited Para 5.34 of PPS21, which is the J&A of Policy CTY8. This paragraph clearly states many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed

appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap.

As outlined above the applicant has misquoted this paragraph.

The Planning Depts position is that this is not a small gap, and which provides relief and a visual break in the developed appearance.

### Size and Scale

As set out above an email was issued on the 19<sup>th</sup> June to the Agent which set out that (full extract above) *the design elements to include the design of a hipped roof is not an appropriate design characteristic for the area and that the extent of built development on the sites and their presentation to the road is considered inappropriate to include the outbuildings and stables. Finally, the extent of curtilages proposed are considered substantial and contrary to policy.*

The Agent issued a rebuttal to the Planning Department, the first document set out the history of the hipped roof design and numerous examples of hipped roof within the Rostrevor Area. A further document set out that:

*The proposed dwelling is a classical two-storey dwelling, vernacular in design. The dwelling is capped with a natural slate-hipped roof. Windows are sliding sash in design, and external walls are simply plastered and painted. The dwellings are set on modest plot sizes reflecting the traditional building to plot ratio.*

*This design reflects several of the modest sized, recently completed dwellings in the vicinity of Rostrevor Village. The theme reflects the historical Irish house type, it is a square, hip-roofed block. Living accommodation below and bedrooms above. There are three elements that qualify its hegemony. The first is the survival of formal types inherited from the seventeenth century, the second is a matter of scale, and the third is a question of longevity.*

The Planning Department would rebut the Agents analysis and would consider that whilst there may be hipped roof dwellings within the settlement limit and other areas outwith any defined settlement limit and welcome the Agents analysis of dwellings; it would be considered that there are no dwellings of this design within the immediate surrounds. The Planning Department would not consider the examples given to be similar in context to the application site.

Revised drawings were presented to the Planning Department, however, concerns remain with regards to the design, size and scale. Assessing firstly the design of the proposed dwellings. The proposed dwellings are sited on a site that rises to the rear, furthermore, whilst it is noted that there are two storey dwellings within the surrounds, the immediate dwellings either side and opposite the application site appear single storey. The proposed design of the dwellings is a hipped roof design. It is considered that on this occasion the design element of a hipped roof is unacceptable. The hipped roof design would be considered an urban feature and is not a feature of dwellings within the immediate area, thus accepting the design feature of a hipped roof would create a precedent of hipped roofs within the immediate area and urbanise the area. The Planning Department raised the



issue that the hipped roof design was inappropriate however, the Agent did not change this design feature.

The Planning Department commented that the presentation to the road to include outbuildings and stables as well as extent of curtilages were considered inappropriate. The Agent revised the scheme which included the omission of the stables. The Agent increased the extent of planting around the dwellings to reduce the curtilage. However, this does not address the Planning Departments concerns. The concept of an infill is that the "gap" should accommodate the dwelling (and garage if appropriate) as well as adequate amenity space within the gap that is comparable to those dwellings surrounding the application site. Once the built development has been constructed there shouldn't be a large excess of space visualised that would appear out of character to the surrounding area. In this instance which is apparent in Image 4 the dwellings along with their associated outbuildings **do not** fill the gap. The Planning Department would consider in this instance that the gap could accommodate three or more dwellings. Therefore the Planning Department would consider that the size and scale of the proposed development to be inappropriate.

**Image 2 Drawing: 02-01 Site One Proposed Elevations and Floor Plans**



**Image 3 Drawing: 02-02 Site Two Proposed Elevations and Floor Plans**





Image 4 Drawing: 01-02B Site Layout Plan



It is considered that when taking into account the characteristics of the application site as a whole which has been assessed and does not read as an infill opportunity that the application site would be considered as a visual break. Paragraph 5.34 of PPS 21 under CTY 8 sets out *Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.*

The Planning Department would insist that the application site is not a suitable infill site in that the site could accommodate more than two dwellings comfortably and

thus the application site reads as a visual break in the landscape and not a gap site.

Policy CTY8 also requires that infill dwellings meet other planning environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21. These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area.

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

**6.18** *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.*

Having considered the policy above in relation to the proposed development it is considered that the application proposed would be contrary to the policy of CTY 13. The proposed development is not considered as a valid infill opportunity and thus would appear as a prominent feature in the landscape. The design of the proposed dwellings are considered inappropriate for the site and its locality in that the design of a hipped roof is not considered appropriate. Furthermore, in order to diminish space on site further vegetation and trees are required to supplement thus contrary to policy. It is therefore considered the proposal fails to comply with CTY 13.

### **Policy CTY14 Rural Character**

**6.20** *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.*

Having considered the proposal against the policy of CTY 14 it is considered that the proposal would fail against this policy. The proposed development would appear unduly prominent within its surrounds. The Planning Department would consider that the proposed dwellings along with associated outbuildings would result in a suburban style build up when viewed within its wider surrounds. Furthermore, the hipped roof design element does not respect the traditional pattern of development exhibited in the area. Finally as set out above the proposal would create and add to ribbon development and does not comply with the policies of CTY 8 set out above.

### **Residential Amenity**

The application site is located within proximity to 29A; however, given the current vegetation on site, the proposed supplementation of planting and separation distance between the proposed dwellings location and number 29A it is considered that there would be no detriment to neighbouring residential amenity. Between the proposed two infills is a buffer of trees and vegetation; it is considered that with the distance between the dwellings coupled with the buffer of vegetation that no residential amenity would be unduly impacted.

### **CTY 16 Development Relying on Non-Mains Sewerage**

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the Planning Department prior to the commencement of development. The proposal appears to conform to Policy CTY 16.

### **Summary**

The proposal presented to the Planning Department for assessment and consideration was for an infill site for two dwellings. In assessing this application the Planning Department have concluded that refusal can only be recommended. This is due to the fact that the application site does not conform to the policy set out within CTY8 in that the application site is capable when taking into consideration the characteristics of the area to accommodate more than two dwellings. Furthermore, the proposed dwellings and associated garages do not fill the gap and therefore cannot be considered as an infill opportunity. The application site thus is and can only be considered as a visual break. Allowing the proposed application as an infill would only set a precedent for sites considered as visual breaks as per paragraph 5.34 of PPS 21 CTY8 to be considered as infills which would detrimentally erode the countryside and character of areas further. Moreover, with regards to the design of the dwellings, the hipped roof aspect of the design, massing and presentation to the road is considered to be urban in character and not in keeping with the surrounds.

Having considered the proposal in relation to policy refusal is therefore recommended.

## **7.0 Recommendation – Refusal**



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

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

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site along the Newtown Road is considered a visual break that maintains rural character of the area.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built up frontage.

5. 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 development, if permitted would:

- Be a prominent feature in the landscape
- ancillary works do not integrate with their surroundings; or
- the design of the buildings are inappropriate for the site and its locality; or

6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted be unduly prominent in the landscape and add to a ribbon of development along the Newtown Road; therefore resulting in a detrimental change to further erode the rural character of the countryside.

7. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 Areas of Outstanding Natural Beauty of Planning Policy Statement 2 Natural Heritage in that the design features do not respect the local character of the area.

Case Officer Signature: Roisin McGrane



<b>Date: 08.11.2023</b>
<b>Appointed Officer Signature: M Keane</b>
<b>Date: 08-11-23</b>

This is an application for two infill dwellings on the Newtown Road, Rostrevor.

The Case Officer (CO) considers that the proposed site does not constitute a small gap site and thus does not comply with policy in principle (Policy CTY1 & CTY8) that “the design element of a hipped roof is contrary to rural design policy (CTY13, CTY14 & NH6).

Importantly in terms of the principle (policy CTY 1 and CTY 8) the CO has acknowledged that the site lies within a substantial and continuously built-up frontage. Policy CTY 8 has no prescribed upper or lower limits as to what represents a small gap site. It is not solely a mathematical exercise. If all plots from No. 21A to No. 31B are taken into consideration accurately, this application would be considered to comply with CTY8.

Infill development has previously been allowed along this frontage. Two infill applications LA07/2021/1978/O (plot frontage of 46.1m) and LA07/2020/0403/0 (plot frontage of 66.7m) (located further North) have recently been approved by the Council.

The proposed site has a plot width of 141m, reduced to a usable frontage of 110.8m when the significant level of priority habitat and mature vegetation separating and surrounding the plots are considered (**Slides 1&2**). The applicant has also illustrated how the proposal reflects the guidance set out in Building on Tradition – a Sustainable Design Guide for the NI Countryside (**Slides 2&3**). It is clearly an infill site based on Guidance.

The plot measurements of adjacent frontages referred to in the CO report are disputed; the frontage of No. 21 clearly measures 75.6m, not 50m. No. 31 plot frontage measures 50.7m, not 15m. No. 31A measures 39.1m, not 23m, and 31B measures 50.5m. No.31 and 31A reads as one plot of 89.8m, considering the combined stone walling and entrance wall. The applicants plot ratio analysis, which runs from No. 21A to 31B Newtown Rd, was never challenged by the CO. The CO has incorrectly calculated the average plot frontage as 33m, and based their analysis on No. 21A to 31A Newtown Rd. The actual average plot frontage along this stretch of the Newtown Road is 46.7m, as outlined in the detailed plot ratio plans provided to the Council, which also demonstrated the wide mix of frontage and plot sizes. The CO has failed to note that there are 8 plots in the frontage and only accounts for 6.

The proposed sites, excluding the mature boundary and diving hedge lines, measure circa 50m and 60m. On this basis, the average plot size would increase from 46.7m to 48.1m, a **2.9% increase**. The Council recently approved a double infill site on the Moyad Road, Kilkeel (LA07/2022/0799/F), under which the existing plot sizes were 24.8m, 17.0m and 39.9m and the approved frontage of this double infill site was approx. 83.3m; a **20.9% increase in plot ratio**. Policy CTY8 requires proposal's to respect the existing pattern of development. A 2.9% increase in plot frontage is clearly minor and respectful, and comfortably falls within the limits found acceptable by the Council when approving a 20.9% increase, in Kilkeel.

The CO has incorrectly measured the gap between buildings at 172m. The actual measurement is 166.9m, which includes a public laneway leading to Kilbroney Forest. Again there are no prescribed upper or lower limits within policy for this form of analysis. However, we are aware that the Council has accepted and approved a two-dwelling infill on the Drumnaconagher Road, Downpatrick (LA07/2017/0270/O), which had a gap between buildings of 179m. Furthermore, under applications LA07/2021/1422/0 (Derryboy Road, Crossgar) and LA07/2022/1178/O (Crossgar Road, Crossgar), the Council measured both gaps at 164m and permission was granted in both instances. Clearly the Council has accepted gaps of a similar size elsewhere and it is important that the Council acts consistently having regard to these previous decisions.

The CO contends that the proposed site “could accommodate more than two dwellings comfortably” but have failed to demonstrate how this could occur.

This is a general fear of precedent which has no basis. Any hypothetical third dwelling would require the removal of the priority habitat (significant belts of hedges and mature trees). The Committee can remove permitted development rights and impose a condition advising that no building shall be constructed within the gaps between the buildings to remove this fear of precedent. It was not a determinative concern in the other applications set out above.

The refusal recommendation (justified in part on the basis that the site provides a visual break in the countryside) is not consistent with the *Duff* judicial review in which Justice Schofield reaffirmed that the policy allows for the infilling of visual breaks – the policy does not protect every single break, it only protects those which are important OR frame important views. There is no indication this “break” falls into either category thus the committee need to be informed why this “break” is in such need of protection. This gap is in no way sufficient to function as a physical buffer between the developments to each side of this site; if there is an existing continuous built up frontage, and there is a space for 2 dwellings within this frontage that is comparable with the spacing of the other plots, then the site is an allowable exception under policy CTY1 and permitted under policy CTY8.

In terms of design and integration (policy CTY13 & CTY14) the proposal will not appear as a prominent feature in the landscape. Contrary to CTY 13, officers make no reference to the location from where this development would be perceived as prominent.

On approach to the proposed site (from either direction), there is only a very short stretch on the site’s boundary where it is possible to look into the site. The integration of the proposal is secured through the retention of the significant belt of trees along the roadside and dividing the plots (which restricts views inwards from the frontage and offers a significant level of screening and privacy), by utilizing the site’s contours and by integrating within the landscape and screened and nestling the proposed dwellings between other dwellings in the area and along both sides of the frontage.

The proposed dwellings have been designed within the established ridge height set by the recently approved and constructed dwellings at Nos. 29A and 21A Newtown Rd; this should further ensure that the proposed dwellings do not appear prominent. **The proposal is compliant with policy CTY 13 & 14.**

The CO opposes the hipped roof design, suggesting it “*would set a precedent within the area.*” This is another general fear of precedent which is not soundly based. Policy NH 6 repeats much of PPS 21 and the hipped roof respects the local architectural style and the design of the dwellings uses local materials. The site and scale of the proposal is consistent with the Area of Outstanding Natural Beauty (AONB) and it respects the character of the AONB.

The hipped roof is synonymous with the character of Rostrevor. On approach to Rostrevor from Warrenpoint, Killowen and Hilltown, prominent buildings are of a hipped roof design. Indeed, at the entrance to the Newtown Rd, the *Newtown Villas* housing estate comprises dwellings which are all of a hipped roof design (**Slide 5**).

The key to vernacular houses in the Irish countryside is that they are borne out of necessity with materials which are available to hand. Traditionally hipped roofs were associated with dwellings which have a deeper plan and so they exhibit lower pitches. This distinguished formal architecture, including materials, is heavily referenced within the publication “*Building on Tradition*,” as a traditional form of 19th-century farm house dwelling design.

Moreover, the roof types adopted were rooted in the vernacular, often influenced by more local geographic factors such as the direction and intensity of prevailing winds, with hipped roofs being adopted for dwellings in more exposed sites, more out of necessity rather than any stylistic device to fulfil the aspirations of the owner. Elevational treatment would have been proportioned in accordance with Classical principles, to reflect this formality and although ornamentation may have been modest, it would have been concentrated around the front entrance door, often typified by a stone steps, a panelled door, with a fanlight and a certain relief, which may have incorporated pilasters, entablatures and dentils, all aspirational features which would have been tempered by the means available.

The Council have also approved dwellings with a hipped roof outside of established settlement limits and within areas of AONB. Examples include the Armagh Road, Newry (P/2013/0226/F) and recently constructed dwellings located on Sturgan Rd, Camlough – located within the Ring of Gullion AONB - (LA07/2018/1568/RM) and the Clonallon Rd, Warrenpoint (LA07/2020/1049/RM) (**Slide 6**). The Clonallon Rd dwelling, located only 4km from the proposed site, lies within an AONB and the CO found that the hipped roof design “*is unlikely to have an adverse impact on the AONB*”. We would also refer to page 97 of *Building on Tradition*, in which the Glebe layout and arrangement is expressed in the “*formal architectural*” and Georgian style and identified as good design. The proposal is consistent with **policy NH 6 for AONBs**.





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

**Application Reference:** LA07/2021/1479/F

**Date Received:** 06.08.2021

**Proposal:** Erection of Petrol Filling Station with ancillary retail element, car parking, rear storage yard and all associated site and access works on lands opposite 3 Newtown Road, Belleek, Newry.

**Location:** Immediately opposite no. 3 Newtown Road, Belleek, Newry.

**Site Characteristics & Area Characteristics:**

The site takes in a rectangular roadside portion of a larger parcel of land that has since been re-configured from the previous excavation on site. The application form describes the current use as a disused quarry and therefore likely has a NIL use. The topography is relatively flat at the roadside with a significant rise in level to the SE. The site is located along the main Newtown Road just outside and adjacent to the designated Settlement Limit for Belleek on the approach from Newtownhamilton.

**Site History:**

Application Number: P/2001/1475/F Decision:

Permission Granted Decision Date: 03 October 2001

Proposal: New 11KV O/H Electric Lines and alterations to existing electric lines.

Application Number: P/2010/0243/F

Decision: Permission Granted Decision Date: 13 December 2010

Proposal: Construction of a 300mm and 250mm diameter trunk main from Jerretspass WPS, Jerretspass to Belleek.

**Consultations:**

DFI Rivers – No objection

Dev Plan Section – Proposal would establish a precedent for development outside of the existing settlement development limit, would impact on the integrity of the LLPA and adversely affect the physical setting of Belleek.

DFI Roads – Following several amendments, no objection subject to compliance with attached conditions.

Environmental Health – No objection subject to compliance with attached conditions.

NIEA – No objections, conditions recommended.

SES - Eliminated from further assessment because it could not have any conceivable effect on a European site.

NI Water – No objection, conditions attached.



### **Objections & Representations**

15 Neighbours notified most recently on 06.06.2023 and the application was advertised on 21.06.2023 to reflect amendments. 9 objections and 2 representations of support received.

#### **Areas of Objection**

1. Environmental effects on wildlife, flora and fauna.
2. Road Safety
3. Impact on neighbourhood
4. Ground water and ozone pollution
5. Traffic noise pollution
6. Increased risk of health issues living next to petrol stations
7. Petrol stations should not be built within a minimum of 50m from homes.
8. Risk of fire and explosions.
9. No benefit to the community.
10. Contrary to the Area Plan
11. Prominent in the landscape
12. Residents would find it difficult to walk up hill to use the facility.
13. Increased traffic
14. Existing services and fuel complex only 4 miles away in Camlough
15. Will damage Tully's shop / employment.
16. Risk to pedestrian safety.

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

The Planning Act 2011  
 Regional Development Strategy  
 Banbridge Newry and Mourne Area Plan 2015.  
 Strategic Planning Policy Statement for Northern Ireland  
 Planning Policy Statement 21  
 Planning Policy Statement 3 / DCAN 15.  
 Planning Policy Statement 2  
 Planning Policy Statement 15  
 A Planning Strategy for Rural Northern Ireland  
 Parking Standards  
 Building on Tradition

### **Consideration and Assessment:**

Proposal seeks full permission for the erection of a petrol filling station with ancillary retail element, car parking, rear storage yard and all associated site and access works on lands opposite 3 Newtown Road, Belleek, Newry. The net retail floorspace is approximately 350 sqm. Approximately 100 sqm is dedicated to storage, staff area, kitchen prep, office and other ancillary uses. This takes the cumulative floorspace total to approximately 450 sqm. The proposed building is rectangular in shape, single storey with a hipped roof and has been sited gable ended to the public road. The site which is rectangular in shape is located at the roadside boundary with 2 access points, 4 fuel stations and 50 parking spaces.

The site is located just beyond the Development Limit for Belleek (towards Newtownhamilton) and within the open countryside. The site encroaches in a Local Landscape Policy Area (LLPA) under designation BL03.

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

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site as there is no viable pollution pathways for effects on any European site.

#### Regional Policy Context

The RDS 2035 provides a framework for strong sustainable economic growth across the region and recognises that a growing regional economy needs a co-ordinated approach to the provision of services, jobs and infrastructure. It provides Regional Guidance to ensure an adequate supply of land to facilitate sustainable economic growth (RG1). This means protecting zoned land and promoting economic development opportunities in the Hubs (SFG11).

In terms of the Hubs mentioned above, the Area Plan Strategic Plan Framework defines these areas by stating 'Economic development and employment in the Plan Area is concentrated within the main hubs of Banbridge and Newry. However, the towns of Dromore, Kilkeel and Warrenpoint/Burren also have a significant economic development / employment base.'

Whilst the RDS is not specific on petrol filling stations it remains a material consideration for the application.

#### The Banbridge Newry and Mourne Area Plan 2015.

The objectives of the Plan place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas, and supporting and developing existing urban areas.

The Strategic Plan Framework is silent on this *sui generis* use and also silent on the retail element outside the development limit and therefore decision making on these issues will be deferred to the retained policies, explored further in this report.

The site is located outside the development limit of Belleek, as identified in the Banbridge, Newry and Mourne Area Plan 2015. The area plan continues to provide the statutory planning framework for the area until a replacement statutory area is in place. It is in the open countryside on a site not zoned for any specific purpose. The BNMAP designated the Settlement Limit of Belleek to retain the compact form of the Settlement whilst allowing for a limited amount of development. It is considered that the proposed development is contrary to Policy BL01 Of the Banbridge, Newry and Mourne Area Plan 2015 in that it would result in inappropriate development outside the statutory development limit for Belleek and would result in inappropriate urban sprawl. This issue is also considered against Policy CTY 15 of Planning Policy Statement 21 (PPS 21) below.

The proposed site also marginally encroaches Local Landscape Policy Designation BL 03. The application must be assessed against Policy CVN 3 of the Strategic Plan Framework. Policy CVN 3 states that Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out in Volumes 2 and 3 of the Plan. Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

The part of the designation that applies to the application site is the 'localised rock outcrops and hills forming an attractive backdrop to the Settlement' The proposed development that will be sited on land in front of this attractive backdrop is considered to have an adverse visual impact on the landscape feature and detract from the distinctiveness of its character. The value of the natural feature providing an attractive back drop will be significantly reduced as a result of the development. This position is further exacerbated by the open nature of the site offering critical views on the approach to, and on exiting the settlement of Belleek.

As the proposal is outside the designated settlement limit of Belleek (Plan designation BL01) and also considered to adversely affect the intrinsic environmental value and character of the LLPA, the proposal is therefore contrary to the overall aims and objectives of the statutory plan by virtue of its location outside the designated settlement boundary of Belleek (Plan designation BL01) and Policy CVN 3.

#### Strategic Planning Policy Statement for Northern Ireland

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. This will be considered in detail below when other relevant policies are considered.

In addition to the proposed petrol station, the application includes a sizeable retail element. This aspect of the proposal must be assessed against the provisions of the SPPS.

The SPPS states that in the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. The petrol station element is defined as a *sui generis* use under the Planning (Use Classes) Order (Northern Ireland) 2015. I do not consider it to be necessarily a main town centre use particularly given the space requirements for its functionality and the absence of the same in most town centres. However, the retail element of the proposal I consider to be significant enough to warrant consideration against prevailing policy which is contained in the SPPS. This position is in agreement with para 4.6 of the Supporting Retail and Needs Assessment.

The net retail floorspace is approximately 350 sqm. Approximately 100 sqm is dedicated to storage, staff area, kitchen prep, office and other ancillary uses. This takes the cumulative floorspace total to approximately 450 sqm. The agent has confirmed the proposal includes a significant deli counter and small supermarket but states this is not a road side service facility but a petrol station, however the paragraph at 7.15 of the Supporting Retail and Needs Statement does describe it as a roadside service facility.

Mac Fuels which is a petrol station outside Newtowncloghoge on the Forkhill Rd has a floor area of approx. 217sqm. Hughes Filling Station Whitecross has a floor area of approx. 165sqm and Newry Road Filling Station (between Creggan and Crossmaglen) has a floor area of 62sqm. This small snapshot of petrol stations in the district points to much lower floor area which adds weight, in my opinion that the SPPS should be given material consideration regarding the retail floor space of the proposal.

The SPPS seeks to secure a town centre first approach for the location of future retailing and other main town centre uses. In terms of the food retail element of the proposal I consider this to fall within a main town centre use. The SPPS offers a sequential test for main town centre

uses to be considered in order of preference. The proposal before the Planning Authority, due to the location outside the development limit of Belleek does not meet any of the sequential tests.

Paragraph 6.279 of the SPPS makes reference to retailing in the countryside which is applicable to this application due to the location in the countryside.

The SPPS states at paragraph 6.279 *'Retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities'*

My interpretation of the above paragraph is that retailing (such as the food element of the proposal) should be directed to town centres and failing that, follow the sequential tests. However, there is an exception to this which include farm shops, craft shops and shops serving tourist and recreational facilities. While this list is not exhaustive the thrust of the policy is that it considers that only small-scale facilities that cater for a rural base enterprise are considered acceptable. I do not consider the small supermarket and significant deli counter to fall within these exceptions category. The policy goes on to note that where an application meets the exception category, retail facilities should be required to be located within existing buildings. This is not the case for this application in that the proposal is for a new build.

The SPPS goes on to state at paragraph 6.279 *'All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment and meet the requirements of policy elsewhere in the SPPS.'*

The agent has described the current shop/post office in Belleeks as a very small shop and an accompanying post office that do not adequately meet the needs of the community in terms of scale, or the range of goods available for consumers. Reference has also been made to the village being included in re-development plans. However, at the time of writing this application has not been decided and in fact an objection remains due to the potential impact this proposal will have on the village shop.

I consider the range of products the village shop sell is likely to be available in the proposed petrol station with a much more extensive range over a larger floor space which will also include car fuel and the significant deli counter. The proposed facility is also likely to provide more parking opportunities for customers than the existing on street arrangement in the village. On this basis, it is difficult to see how the proposal before the Planning Authority would not significantly impact the existing village shop. Whilst the village will have a post office, it remains the case that it becomes difficult to contemplate how the post office could absorb the loss felt by the retail element of the shop. Consequently, I consider the proposal will have an adverse impact on the vitality and viability of the small settlement of Belleek.

I note in the agent's submission, fig 12 represents a significant overlap in catchments between Belleek and Whitecross. Whilst the agent has stated in real terms, the development is unlikely to affect Whitecross due to likely routes people take, alternatively it does not account for the route people might then chose to take in order to utilise the facility. It appears reasonable that the short drive from Whitecross to Belleek to get fuel and retail items is a likely scenario given the existing commercial offering of fuel and retail which amounts to a Petrol Filling Station with two pumps and a very modest retail floor area.

In conclusion of the above I find no policy provision within the SPPS to justify the siting of a retail facility outside the settlement limit in the open countryside. Whilst much has been made of the current arrangements in Belleek between lack of provision and siting availability which



may have standing, however I concur with the comments from the Development Plan section in that the correct vehicle to address this is through the Development Plan process by way of representation and not the Development Management process – where a precedent can be set. This is evident in many of the small settlements across the district where there may not be the capacity within the development to absorb a petrol filling station and retail facilities.

#### A Planning Strategy for Rural Northern Ireland (Rural Strategy)

I accept the agent's assertion that the proposal does not represent a Roadside Service Facility however I note the policy (IC 15), which refers to applications for Roadside Service Facilities, also makes reference to Petrol Filling Stations which I contend is relevant to the application.

The policy notes that in normal circumstances, proposals for petrol filling stations, and roadside service facilities are unlikely to be acceptable in Greenbelts, AONBs and CPAs. I am mindful of the date this policy was written (circa 1993) when Greenbelts and CPA policy was prevailing in the Rural Strategy. In today's Area Plan there are no Greenbelts or CPAs as the policy provisions of PPS 21 takes precedence over Greenbelts and Countryside Policy Areas (apart from noted exceptions). This site was previously part of the Greenbelt designation and therefore I do not share the view that because this site is not currently located within any of the above designations it follows that the development may be acceptable in the rural area.

Policy IC 15 goes on to say that on routes not forming part of the trunk roads network there will normally be no necessity to locate petrol filling stations or roadside services in the open countryside. Such facilities will normally be directed to existing settlements unless local circumstances indicate that such a policy would lead to undue hardship for the residents.

Policy IC 15 states that it is unlikely that a petrol filling station would be acceptable in the open countryside. The site is not located along a Trunk Road and is within a 6 min drive time to Hughes' complex in Camlough. A Petrol Station is also located within an 8 min drive to Newtownhamilton and a 6 min drive to Whitecross. Policy sub text states that where a route is already adequately served by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable and given the number of existing petrol filling stations in the locality it is my opinion that Belleek is already adequately served. The agent has also referred to the applicant operating an established fuel retail business opposite and immediately west from the proposed site. Confirmation of the legitimacy of this would have to be tested against a CLEUD application. Whilst much has been made of the benefits of the development, I am not persuaded enough evidence has been produced to show how the withholding of permission would result in undue hardship for the residents of Belleek.

Under the third bullet point of IC 15, it must be demonstrated that the proposal is satisfactory in terms of location, siting and design as set out in Policy DES 5 of the Rural Strategy. DES 5 has been superseded by policies CTY13 and CTY 14 and will be considered below in this report.

Taking into consideration the above I conclude the proposal is contrary to policy IC 15 of the Rural Strategy.

#### Planning Policy Statement 21 (PPS 21)– Sustainable Development in the Countryside

Policy CTY 1 provides for 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. Whilst Petrol Filling Stations are not mentioned specifically under the list of non-residential development, I do not consider that list to be exhaustive and note that the last line

of the heading note refers the reader to existing published planning policies, which has been done above.

Having found no support in the above policies for the development and no overriding reasons why the development is essential the proposal is considered contrary to policy CTY 1 of PPS 21.

I consider the proposal to be prominent in the landscape due to its size, commercial nature, and open roadside location. The site itself lacks long established boundaries and relies primarily on new landscaping for integration therefore contrary to part (a) (b) and (c) of policy CTY 13.

The design materials and vertical emphasis on the windows are acceptable for the rural area, however the design features of the building are not in keeping with the rural character of the area. The height of the proposed building measures approximately 8.7m with a length of 29m. The large, hipped roof is not considered a traditional design feature of the surrounding rural area, and this is further exacerbated by the lack of integration at the site. The associated ancillary works including two accesses, a large expanse of hardstanding and canopy are cumulatively not considered to integrate with their surroundings rendering the proposal contrary to part (d) and (e) of policy CTY 13. The proposal is also contrary to the principles established in the supplementary guidance contained within Building on Tradition in terms of siting, integration and design.

I have identified in the previous paragraph that due to the size, commercial nature and rural location the proposal is considered prominent in the landscape. When the proposed site is considered along side the dwelling and adjacent buildings opposite at No. 3 Newtown Road, the development would result in a suburban style build up of development with existing buildings. This is particularly sensitive given the location adjacent to the Settlement Limit where there should be a distinction between the settlement limit and the open countryside. The proposal is consequently considered contrary to parts (a) and (b) of policy CTY 14.

When the proposed site is considered with the shed and dwelling immediately SW of the site the proposed development would create a ribbon of development. The justification and amplification of policy CTY 8 at paragraph 5.33 states, 'buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.' In this case the forementioned buildings share a common frontage with the proposed development and qualify to be considered with regard to ribbon development. This renders the application contrary to policy CTY 8 and part (d) of policy CTY 14.

The associated ancillary works including two accesses, a large expanse of hardstanding and canopy are cumulatively considered to have an adverse impact on the surrounding area and damage rural character. For this reason, the proposal is contrary to part (e) of policy CTY 14.

Policy CTY 15 states that 'Planning permission will be refused for the development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. In the application before the Council the red line of the application site is approximately 19m from the boundary that defines the Settlement limit for Belleek. A band of mature trees are located along this boundary. One of the purposes of the Settlement Limit is to take account of the role of the settlement whilst protecting its natural setting. Under designation BL 01 of the Area Plan it is clear the Settlement Limit as designated was intended to protect a number of areas of significant landscape value. This invariably includes the localised rock outcrops and hills forming an attractive backdrop to the settlement as designated under the LLPA designation BL 03 and considered above.

The development of the site would involve the creation of development stretching along the southern side of the A25 that would result in the perception of an urban extension and ribbon development into the rural area thereby undermining the compact form of the settlement and the Settlement Development Limit,

If permitted the development will read as extension of the development of Belleek when traveling to and from the site and therefore mar the distinction of the Settlement Limit of Belleek and result in urban sprawl. The proposal is contrary to policy CTY 15 for these reasons.

The applicant proposes to dispose of foul waste using the mains network. NI Water has, through consultation, confirmed there is capacity at the WWTW and that an extension is required. NI Water has recommended approval subject to a negative condition which could be added to any approval notice. I consider this to be sufficient and satisfies the relevant provisions of policy CTY 16.

#### Planning Policy Statement 2

A Biodiversity Checklist was received from the agent and sent to NIEA for consultation. NIEA has responded deferring further consultation and/or decision making to the Planning Case Officer. Having visited the site and noting the significant ground works that have been recently completed there were no obvious indicators to protected habitats or species that would be adversely impacted by the proposal. The boundary with the public road consists partial post and wire fencing and sparse low-level hedging that is intertwined with weeds. This appears to hold no ecological value. New Hawthorne hedging is proposed along the front of the site and cumulatively given the above, I am content the proposal is in general compliance with PPS 2.

#### Planning Policy Statement 3 / DCAN 15

Following extensive consultation and the provision of Private Streets Determination drawings, DFI Roads has confirmed it has no objection to the proposal subject to compliance with the attached conditions. The site development will include two accesses for safe ingress and egress, a new foot link and puffin crossing for pedestrians. The proposal has been considered against all relevant policy provisions of PPS 3 and DCAN 15 and is subsequently considered to be in general compliance.

With regard to the Parking Standards, the proposal has shown 50 spaces within the site layout. Even applying the highest standard of parking to the site (1 space per 14sqm) equates to 32 spaces leaving the proposed provision over and above. Ample room remains for a petrol tanker and waiting space at the petrol pumps. I conclude there is enough parking provision to service the development.

#### Planning Policy Statement 15 – Planning and Flood Risk

With regard to PPS 15, policies FLD 1, FLD 2, FLD 4 and FLD 5 are not applicable to the application. Following the submission of confirmation of Schedule 6 Consent and a Drainage Assessment, DFI Rivers has confirmed the proposal to be in compliance with PPS 15. I concur with this position.

A Preliminary Risk Assessment (PRA) has been submitted by O'Sullivan Macfarlane Ltd (OSM) in support of this application. OSM identified no significant sources of contamination and no potential pollutant linkages. OSM deem the proposed development is of low risk to the water environment, so no further investigation was recommended. The Regulation Unit (RU) Land & Groundwater Team have no objections to the development subject to compliance with attached conditions.



Residential amenity has been considered during the processing of the application and Environmental Health has been consulted specifically on this issue. Conditions have been requested by EH to regulate equipment, opening hours, lighting, and delivery times to safeguard residential amenity. Conditions have also been recommended regarding land contamination and pollution prevention control. These conditions would be added to any potential decision notice which I consider to safeguard the residential amenity of neighbouring residents.

### Response to Objections.

#### Areas of Objection

1. A Biodiversity Checklist has been submitted and NIEA has been consulted. I have also visited the site and noted the significant ground works. Cumulatively it has not been considered that the proposal will represent a significant adverse affect on flora or fauna and the environment in general.
2. DFI Roads has been consulted with regards to Roads Safety and following amended plans, have no objection, subject to compliance with the attached conditions.
3. Whilst this is a broad term, I have recommended refusal based on the adverse impact on the settlement of Belleek
4. A Preliminary Risk Assessment has been carried out and NIEA and EH has no objections. Negative conditions can be added to ensure proper regulation of unknown risks if the occur.
5. Opening hours would be restricted as per EH consultation response which helps ensure there will be no unreasonable noise pollution from traffic on neighbouring properties.
6. There are no policy criteria to prohibit petrol stations near residential properties and this arrangement is commonplace in many towns and villages across NI where petrol stations are located within or close to high residential areas.
7. There is no planning policy to reflect this stipulation.
8. Other legislation, standards and guide lines may be used to measure fire risk and explosion and the applicant will be expected to follow all necessary stipulations. However, for this application there is no policy to measure those risks against. Some of these risks may be considered by Building Control.
9. The impact on the community has been considered above.
10. I would agree the application is contrary to the Area Plan insofar it is outside the development limit and offends policy CTY 15 of PPS 21 and contrary to policy CVN 3.
11. I do not agree the proposal is prominent in the landscape. This has been dealt with above in this report.
12. This in and of itself would not be sufficient grounds to withhold permission.
13. Whilst there is likely to be increased traffic, DFI Roads has no objection to the proposal.
14. Reference has been made to this in the body of the report above.
15. Reference has been made to this in the body of the report above.
16. There is no evidence to suggest pedestrian safety is prejudiced with the proposal.

#### **Recommendation:**

Refusal, proposal contrary to the Area Plan, PPS21, SPPS and PSRNI.

#### **Reasons:**

1. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why the development must be located in this countryside location and not within a settlement.



2. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BL01 Of the Banbridge, Newry and Mourne Area Plan 2015, the statutory plan for the area, in that it would result in inappropriate development outside the statutory development limit for Belleek and would result in inappropriate urban sprawl.
3. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside parts in that the proposal would, if permitted, mar the distinction between the Settlement of Belleek and the surrounding countryside and result in urban sprawl.
4. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CVN 3 of the Strategic Plan Framework in the Banbridge Newry and Mourne Area Plan 2015 as the proposal would, if permitted, be liable to adversely affect the intrinsic environmental value and character of LLPA designation BL 03.
5. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside parts (a), (b), (c), (d) and (e) in that;
  - (a) it is a prominent feature in the landscape;
  - (b) the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building and associated infrastructure to integrate into the landscape; or
  - (c) it relies primarily on the use of new landscaping for integration;
  - (d) ancillary works do not integrate with their surroundings;
  - (e) the design of the building is inappropriate for the site and its locality;
6. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside parts (a), (b) and (d) in that;
  - (a) it is unduly prominent in the landscape;
  - (b) it results in a suburban style build-up of development when viewed with existing buildings;
  - (d) it creates a ribbon of development.
7. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside parts in that the proposal would, if permitted create a ribbon of development along Newtown Road.
8. The proposed development is contrary to paragraph 6.279 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and that the proposal does not meet the exceptional retail facilities which may be acceptable in the countryside, and it is considered the proposal will adversely affect the vitality and viability of Belleek.
9. The proposed development is contrary to paragraph 6.273 and 6.281 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and that the retail element of the proposal does not meet the sequential siting requirements.
10. The proposed development is contrary to policy IC 15 of A Planning Strategy for Rural Northern Ireland in that the proposed development is not sited on the trunk roads network, and it has not been demonstrated that undue hardship on the local residents of Belleek would occur if permission was withheld

**Case Officer:** Ashley Donaldson 27.10.23

**Authorised Officer:** Maria Fitzpatrick 27.10.23

# **LA07/2021/1479/F**

## **Petrol Filling Station with ancillary retail element, car parking, rear storage yard and all associated site and access works on lands opposite 3 Newtown Road, Belleeks, Newry**

- Thank you for the opportunity to address the committee this morning. With me are Donna Lyle, Senior Planner, Turley and Michael Kerr, Henderson Group, who are available to answer questions.
- The site is located outside the settlement limit, in the countryside. The application seeks full planning permission for the erection of a Petrol Filling Station, being the main element, with an ancillary retail unit.
- As discussed by your officers, the key elements for consideration relate to whether the site represents a sequentially acceptable location, and that a need for the development has been demonstrated; both which directly inform the site's location.
- Having undertaken a sequential assessment of alternative sites, the application site has been identified as the most sequentially preferable, taking account of the proposal's specific operational requirements, and available sites within the catchment.
- Whilst the Council consider the proposal fails to meet the sequential test requirement, no alternative sites were identified for assessment by Officers in their consideration of the proposal. Accordingly, the proposal's location is considered appropriate. Members will appreciate that issues of urban sprawl (CTY 15 of PPS 21); ribbon development (CTY 8 of PPS 21); breach of the settlement (BL01) and suburban-style build-up of development (CTY 14 of PPS 21) are inter-twined with the fact that officers have not demonstrably recognised that under Policy CTY 1 of PPS 21, *other types of development, such as a PFS with ancillary retail element, can be permitted where there are overriding reasons why that development is essential and could not be located in a settlement*, as is the case here.
- Regarding the need for the development, a detailed needs assessment was carried out by our supporting consultants, Turley. The assessment encompassed a 5-minute drive time, and 10-minute walking catchment used to identify where future customers are anticipated to come from, and understand the area which the proposal will service.
- The catchment was also extended to include the length of the A25, accounting for existing PFS and retail facilities, and undeveloped housing zonings designated within the Banbridge, Newry and Mourne Area Plan to further the robustness of the assessment.
- Officers do not accept the need for a petrol filling station at this location despite a comprehensive qualitative and quantitative need being carried out, the former which includes a significant investment from Hendersons of c.£1m with the creation of 20No. jobs once operational
- Members should note that officials have not disproved any of the assessments conclusions, or challenged its evidential value
- Officers concede that a petrol filling station is not a town centre use but fail to appreciate the irony that if the filling station cannot be located within the settlement's centre, or indeed elsewhere within the settlement, and it must therefore be sited just outside the settlement, then by extension that is where the accompanying shop must be located. Applying that logic, the proposal does not actually offend the SPPS.
- In relation to visual impact, members will recognise that the main features of the LLPA (a high rock outcrop) lie high above the site, ensuring the proposal is not prominent (CTY 13 of PPS 21). Officers at one point confirm the proposal is not prominent yet still refuse permission but this is primarily because the judgement has been clouded by the fact that the proposal is outside the settlement. Seen in its proper context, the development will read as a natural extension to the settlement limit, in which case ribbon development (CTY 8) will also be diminished as a concern.
- In relation to the LLPA, CVN 3 is not actually offended and officers have failed to treat this as a brownfield site nor recognise that a significant part of the development does not even lie inside the LLPA designation.
- Regarding the application of a Planning Strategy for Rural NI, Policy IC 15, Roadside Service Facilities, applies to these facilities on the trunk roads network. The Council acknowledge within their report that the site is not located on a trunk road. Accordingly, this policy is not applicable in the consideration of the development.

- In any case, Policy IC15 of the PSRNI was predicated on the assumption that rural dwellers' needs (including fuel sales) are currently being met within the settlement. Where this is not the case, one must apply judgement since there are no sites within the settlement. Additionally, officers have failed to recognise that Policy IC15 of the PSRNI does not deal with petrol filling stations in its headnote (further lessening its relevance).
- A major retail chain has identified this site as having a potential for a high profile Petrol Filling Station due to the volume of passing traffic and the fact the area is under provided for at present.
- The proposal is advantageous due to the adequacy of spaces, not just for parking cars off the road, but vans and HGV's also, many of which pass through the village.
- The potential trading area varies between 2 and 3.5 miles out (5 minute drivetime). The trading area has around 1000 households and a population in the region of 3300. A survey of available spend in the area, in terms of convenience products, found that £107k is available per week, with the retained spend in the trading area of c.£39k per week of which c.£20k is retained in the village. This indicates that there is significant leakage from the village at present.
- It is estimated that 42% of the customers will be "ON THE GO", suggesting a significant volume of custom will come from outside the village. Mindful of the fact that 58% of the custom will come from the village, there is still a surplus of £77k per week so even if the proposed redevelopment at the village shop did not proceed there would still be sufficient surplus to enable both sites to operate profitably.
- Officers have attached no weight to the fact the applicant has an established fuel sales business opposite the site, despite being required to consider this under Article 45 of the Planning Act. The business is immune from enforcement action and is thus established. The applicant is prepared to forfeit same and will enter a Section 76 legal agreement to this effect. The Committee is perfectly entitled to attach greater weight to the applicant's existing business than officers have, and even if it decides not to give it determining weight, it is of greater relevance than officers suggest.
- The wholesaler has identified this site on the basis of a pre existing core base for diesel sales (opposite the site). This does not supply unleaded fuel / petrol, and this proposal would provide an opportunity to increase the range of fuels sold, minimising the need for those within the village to travel elsewhere.
- Officers have paid insufficient regard to current (inadequate) service provision within the settlement and to the fact the existing village shop (which does not sell fuel) is to be demolished to facilitate a housing development as per a current planning application.
- Members will be cognisant of the current inadequacy of services in Belleeks.
- Officers feel they cannot give determining weight to the current application to replace the village shop with housing, in case that application is not approved or an approval is not implemented. We would emphasise to Members that the owner of the village shop's intentions are perfectly clear. Given the owner's aspirations to replace his shop with housing we trust that Members will see where the long-term needs of the settlement can be best met.
- Officers are concerned the proposal will detract from the vitality and viability of the existing centre. However, a large part of this proposal is intended to service passing trade (fuel sales and hot food in particular) and it is traffic coming through the village that is of greater significance than the trade drawn from within the settlement.
- Officers have failed to treat this as a brownfield site. Notably, the Development Plan consultation response accepted this is a brownfield site, but the planning department did not, and this is relevant to the assessment of impact on rural character and the LLPA in particular. As the development is in a disused quarry, all the elevated ground will continue to provide a backdrop to the settlement and the impact upon the rural character will not be significant.
- In the event that members are not persuaded by this justification we would invite you to visit the site in person so that you can see the extent to which this site is associated with the settlement and will read as a logical expansion and not a new encroachment into the undeveloped countryside.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2023/2284/F

**Date Received:** 27/03/2023

**Proposal:** Proposed infill dwelling under PPS21 CTY 8

**Location:** Between 71 & 73 Newtown Road, Sturgan, Camlough, Armagh, BT35 7JJ

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

The application site is approximately 0.15 hectares. It lies between numbers 71 and 73 Newtown Road, Camlough. Access to the site is gained from the existing laneway serving these two properties. The site is a relatively level portion of land. A garage (associated with number 73) is located to the rear of the site.

The application site is located outside any settlement limits, as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The surrounding area is rural in nature. The settlement pattern is typically single detached dwellings. The Ring of Gullion Area of Outstanding Natural Beauty (AONB) is located to the south of the site.

**Date of Site Visit:** 18/05/2023



### Site History:

P/2001/0628/O

- Adjacent to 75 Newtown Road, Sturgan, Camlough, Newry
- Site for dwelling
- Permission Granted 11<sup>th</sup> June 2001

P/2001/1368/RM

- Site at Newtown Road, Sturgan, Camlough
- Erection of dwelling
- Permission Granted 9<sup>th</sup> November 2001

P/2002/0134/RM

- Site adjacent to No. 75 Newtown Road, Sturgan, Camlough, Newry
- Erection of dwelling
- Permission Granted 16<sup>th</sup> July 2002

P/2006/1995/O

- Adjacent/ immediately east of 75 Newtown Road, Camlough
- Site for dwelling and garage
- Permission Refused

### Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 - Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Planning Policy Statement 15 – Planning and Flood Risk

Building on Tradition Design Guide – A Sustainable Design Guide for the Northern Ireland Countryside

### Consultations:

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

NI Water - *Approved with Standard Planning Conditions.*

DfI Rivers -

- *FLD1 - Development in Fluvial and coastal Flood Plains – Flood Maps (NI) indicate that the site lies outside the 1 in 100 year fluvial flood plain and the 1 in 200 year coastal flood plain. Consequently, policy FLD 1 does not apply.*
- *FLD2 - Protection of Flood Defence and Drainage Infrastructure – not applicable based on the information provided.*

- *FLD3 - Development and Surface Water - DfI Rivers have reviewed the current information on the Planning Portal and the proposals don't appear to be exceeding any of the above thresholds. Although a Drainage Assessment is not required by the policy, the developer should still be advised to appoint a competent professional to carry out their own assessment of flood risk and to construct in a manner that minimises flood risk to the proposed development and elsewhere.*
- *FLD4 - Artificial Modification of watercourses – not applicable based on the information provided.*
- *FLD5 - Development in Proximity to Reservoirs – DfI Rivers reservoir inundation maps indicate that this site is not in a potential area of inundation emanating from a reservoir.*

### **Objections and Representations:**

Neighbours were notified of the proposal 18/04/2023. The proposal was also advertised in local press on 12/04/2023.

No objections or representations have been submitted for consideration.

### **Consideration and Assessment:**

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

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

The site does not fall within any zoned land within this plan.

#### **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 PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

#### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

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

#### **Policy CTY 8 – Ribbon Development**

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

*An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*

*For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.*

The application site lies between numbers 71 and 73 Newtown Road. Both dwellings have a shared frontage onto the laneway. There is a garage associated with number 73, which sits behind the application site. This cannot be counted as a building which forms a substantial and built-up frontage, given its positioning behind the proposed application site.

There are two buildings which have frontage. Therefore, the application site cannot be considered to lie within a substantial and continuously built-up frontage, as defined by policy.

As there is not a substantial and continuously built-up frontage, there cannot, as outlined in the policy above, be a gap site. The area outlined in red on the site location plan appeared at the time of the case officer's site visit as in use as domestic garden (swing-sets in situ). There are a number of trees present in approximately the centre of the site, from north to south, however, there were no other boundary details in place at this time.

The proposed development in this garden space is not fatal to the existing development pattern in terms of size, scale, siting or plot size.

However, for the reasons outlined above, it is not considered that the proposal represents 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 application site is located a sufficient distance from the Newtown Road. The site and neighbouring dwellings no. 71 and 73 sit slightly lower than the roadside level also. The proposed dwelling has a ridge height of 5.5m (approximately). It sits adjacent to number 71.

It is not considered that, given the nature of the topography and the curvature of the Newtown Road directing attention away from the site, that the proposed dwelling would be a prominent feature in the landscape. The site is capable of providing a suitable degree of enclosure for the building to integrate into the landscape. It is not primarily reliant on the use of new landscaping for integration.

The vehicular access to the site is proposed to sit adjacent to that for number 71 Newtown Road. The level of hardstanding is not considered excessive for one dwelling. Typically, the Planning Department resist mirrored driveways in the rural setting. However, consideration has been given to the site-specific arrangements in this case - whereby access to both dwellings (and the one proposed within this application) are gained from one shared laneway onto the public road. Therefore, the ancillary works are considered appropriate in this instance.

The proposed dwelling is single storey and has a ridge of 5.5m. The materials proposed include flat black concrete roof tiles, roughcast render and white PVC windows, rainwater goods and fascia. Para 6.78 of the SPPS requires that all supplementary guidance contained in 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is taken into account in assessing all development proposals in the countryside. The proposal pays sufficient regard to the guidance outlined in Building on Tradition – the fenestration has a vertical emphasis and the dwelling avoids dormers, bay windows or rooflights. It has been noted that the dwelling features an off-ridge chimney, however, consideration has been given to both neighbouring dwellings, which also have chimneys located off-ridge. Therefore, in this



context, the Planning Department cannot resist this on the proposed dwelling. The design is appropriate for the area and is consistent with the neighbouring two dwellings.

As noted above, the nature of the landscape allows the proposed development to blend with the landform, existing trees, buildings and slopes which provide a backdrop.

#### **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 modest ridge height of the proposed dwelling and the set-down nature of the site from the roadside means the proposal would not be unduly prominent in the landscape. It respects the traditional patterns of settlement exhibited in the area. The impact of ancillary works does not damage rural character.

The proposal is not an exception to CTY 8. An additional dwelling would result in a suburban style build-up of development when viewed with number 71 and 73 Newtown Road. The proposed dwelling would add to a ribbon of development along Newtown Road.

The proposal is therefore considered contrary to criteria b) and d) of CTY 14.

#### **CTY 16 – Development relying on non-mains sewerage**

The application form indicated non-mains sewerage will be disposed of via septic tank. 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 3 – Access, Movement and Parking**

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

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

DfI Roads have been consulted in relation to this proposal and have no objections in principle to this proposal.

#### **Planning Policy Statement 2 – Natural Heritage**

The application site is located just outside the Ring of Gullion AONB (to the south of the site).

It is not anticipated that the proposal will involve the removal of any priority habitats, including hedgerow. Submitted plans note 'all existing planting to be kept trimmed behind visibility splays.

The proposed site layout plan notes the existing mature trees located within the site – these would be conditioned to remain onsite should approval be forthcoming.

**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 ribbon development along Newtown Road, and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that, the proposal would, if permitted, add to a ribbon of development along Newtown Road and would result in a suburban style build-up of development when viewed with existing and approved buildings along Newtown Road, which would result in a detrimental change to the rural character of the area.

**Case Officer:** E.Moore 31/10/2023

**Authorised Officer:** M Fitzpatrick 06/11/2023


**Representation Against Recommendation to Refuse**

**Application Ref:** LA07/2023/2284/F  
**Application Name:** Denise Mc Allister  
**Site Location:** Between 71 & 73 Newtown Road, Sturgan, Camlough, BT35 7JJ  
**Proposal:** Proposed infill dwelling under PPS 21, CTY 8  
**Neighbour Notifications:** No objections to the proposal.  
**Statutory Consultations:** No objections to the proposal.

Reasons for refusal are cited as follows:

1. *The proposal is contrary to the SPPS for N. Ireland and Policy CTY1 of PPS21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.*
2. *The proposal is contrary to the SPPS for N. Ireland and Policy CTY 8 of PPS21 in that the application site does not constitute a small gap site within an otherwise built-up frontage, and would, if permitted, add to ribbon development along Newtown Road, and does not represent an exception to policy.*
3. *The proposal is contrary to the SPPS for N. Ireland and Policy CTY14 of PPS21, in that, the proposal would, if permitted, add to a ribbon of development along Newtown Road and would result in a suburban style build-up of development when viewed with existing and approved buildings along Newtown Road, which would result in a detrimental change to the rural character of the area.*

Planning Services agree that the proposal complies with CTY13 of PPS21. They are also content that the dwelling design is largely in keeping with CTY14. The main issue is whether or not the proposal is in keeping with the exceptions test as set out in CTY8 of PPS21, (i.e.):

"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 purposes of this policy the definition of a substantial built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear."

I say this proposal meets this criteria.

- Fig. 1: Existing birds-eye view, and Fig. 2: ACE Map, attached to this representation, clearly show a distinct existing frontage of three buildings, dwelling at No. 71, the barn like garage structure at No.73, and the dwelling at No.73.
- In their Professional Report Planning Services acknowledge the existing tree boundary between Nos.71 & 73. This boundary provides the frontage to the lane for the garage and the dwelling comprising No.73. It has been largely retained as shown on Fig. 3: Site Plan.
- Planning Services, however, have discounted the garage at No.73 as part of the built-up frontage. (The remaining two reasons for refusal flow from this opinion). I dispute this. Instead, I contend that the garage displays the required characteristics of road frontage as it is connected directly to the lane.

In summary, I contend that this site is within an otherwise continuously built-up frontage and respects the existing development pattern along Newtown Road. It therefore complies with Policy CTY8 for the reasons set out above.

BD 4<sup>th</sup> December 2023

# ACEmap® Single

Printed: 20/09/2022 Customer Ref:

Centre Point (Easting, Northing): 301739, 326584

NEWTOWN ROAD, STURGAN, CAMLOUGH, BT35 7JJ, 185342206

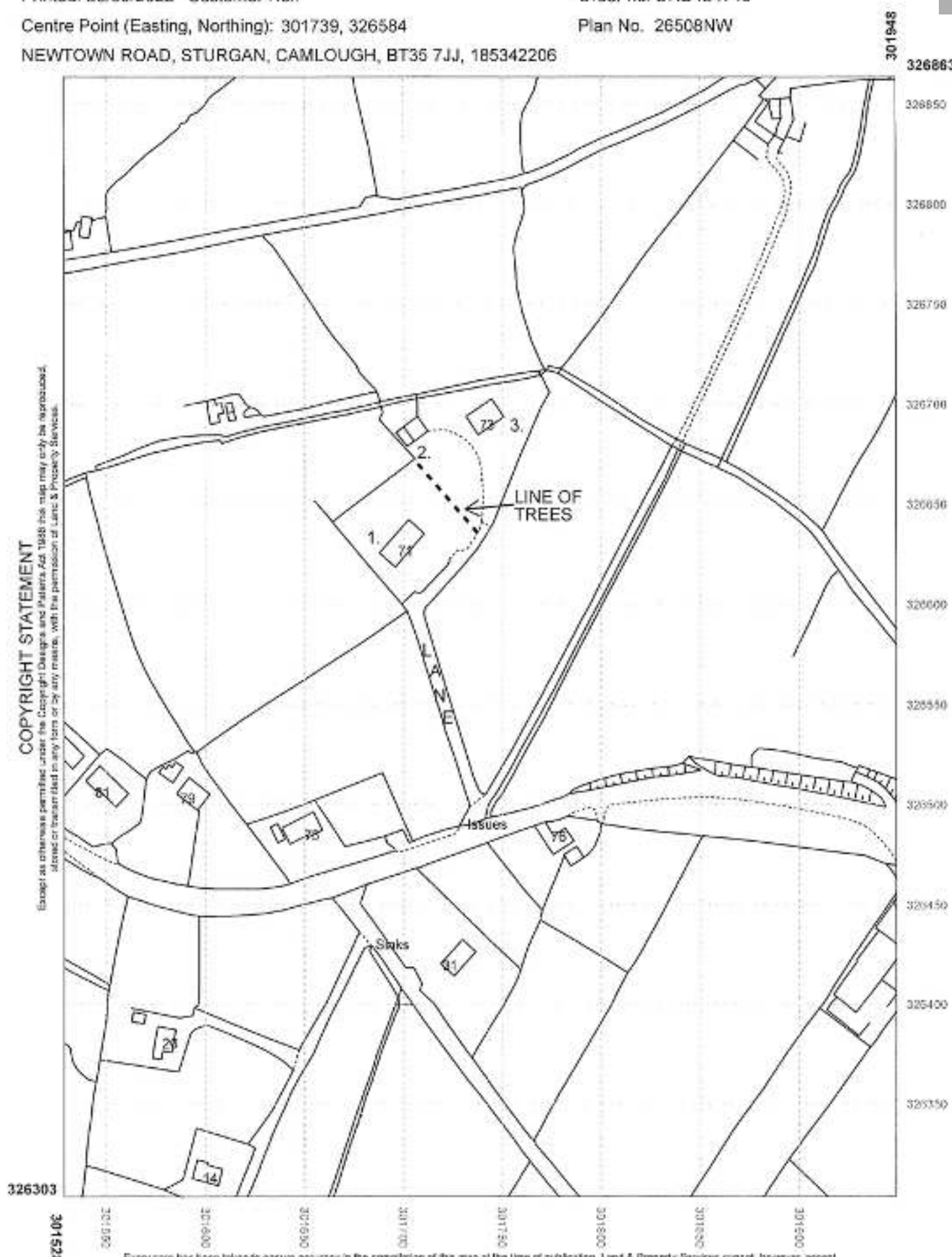
Scale: 1:2,500

Order no. ORD124743

Plan No. 26508NW

239

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FIGURE 1





FIGURE 2

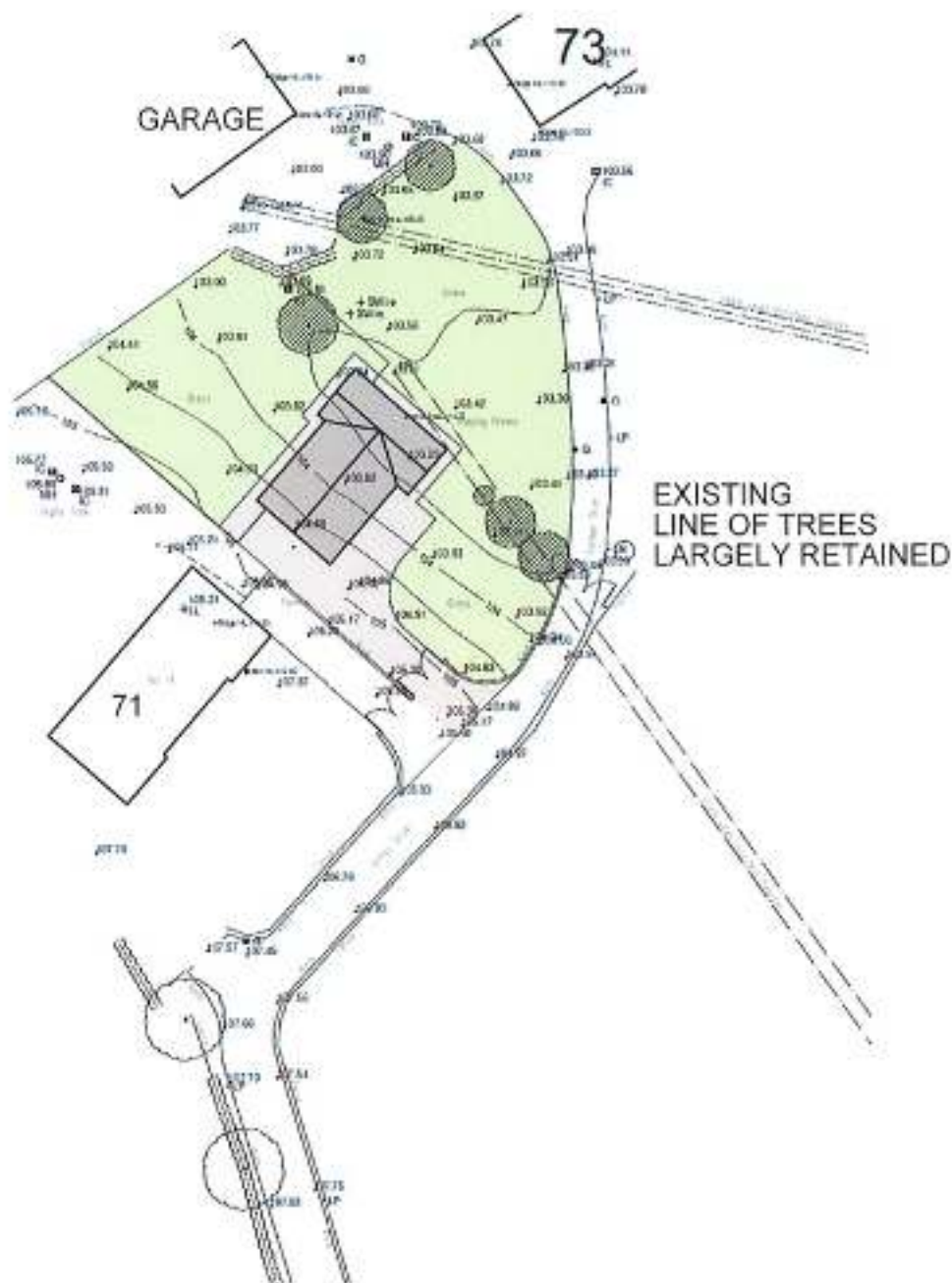


FIGURE 3



**bernard dinsmore**  
chartered architect

email : [info@bdinsmore.co.uk](mailto:info@bdinsmore.co.uk)

[www.bdinsmorearchitect.co.uk](http://www.bdinsmorearchitect.co.uk)

19 spring meadows, warrenpoint, co.down, bt34 3su. telephone (028) 41753698

**Project :** Proposed Infill Dwelling Under PPS21 CTY8 To Site Between  
No's 71 & 73 Newtown Road, Camlough

**Client :** Denise Mc Allister

**Title :** SITE PLAN

**Status:** PLANNING

**Job No. :** J1798

**Date :** NOV 2023

**Drawn By :** CC

**Checked By :** BD

**Drg No. :** P02

**Rev. :** B

**Scale :** 1:500



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

Newry, Mourne  
and Down  
District Council

**Application Reference:** LA07/2023/2325/O

**Date Received:** 28/02/2023

**Proposal:** Erection of dwelling and garage (gap site)

**Location:** Lands approximately 30m southeast of 31 Ballynamona Road, Newry, BT35 8TH

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

The application site is located on lands approximately 30m southeast of number 31 Ballynamona Road, Newry. The site measures approximately 0.3 hectares and is irregular in shape. The site is bounded to the east by mature hedging and trees. A stream lies to the east of the site. The western and southern boundaries are defined by a range of mature hedgerows and trees. The site is relatively level and flat.

The application site lies within open countryside, as designated within the Banbridge/ Newry and Mourne Area Plan 2015. The site also lies within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). The surrounding area is rural in nature.

**Date of Site Visit:** 23/05/2023

#### **Site History:**

LA07/2022/1099/LDE

- Lands approximately 16m southeast of no. 31 Ballynamona Road, Dromintee.
- Existing Shed
- Approved 18/11/2022

P/2013/0002/F

- 31 Ballynamona Road Dromintee Newry BT35 8TH
- Proposed granny flat
- Permission Granted 08/05/2013

P/1996/0981



- 50m south of 23 Ballynamona Road, Killeavy, Newry
- Erection of bungalow
- Permission Granted

P/1996/0257

- Ballynamona Road Killeavy (100m south of No. 23)
- Site for dwelling
- Withdrawal

### **Planning Policies and Material Considerations:**

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 - Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Planning Policy Statement 15 - Planning and Flood Risk

Building on Tradition: A Sustainable Design Guide from the Northern Ireland Countryside

### **Consultations:**

DfI Roads –

*DfI Roads has no objections in principle to this proposal subject to submission of detailed plans at reserved matters stage.*

NI Water

- *Approved with Standard Planning Conditions.*

DfI Rivers -

- *FLD1 - Development in Fluvial and coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or the 1 in 200 year coastal flood plain. However, there is a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 adjacent to the western boundary of this site.*
- *FLD2 - Protection of Flood Defence and Drainage Infrastructure – A watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Drumintee Drain' is located within the western boundary of the site.*  
*Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse is required to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. The working strip should be protected from impediments including tree planting, hedges, and permanent fencing.*



*DfI Rivers notes that Drawing P02A appears to comply with this requirement.*

- *FLD3 - Development and Surface Water – For this application a Drainage Assessment will not be required as the proposal does not exceed any of the following thresholds:*
  - *It is a residential development comprising of 10 or more dwelling units*
  - *It is a development site in excess of 1 hectare*
  - *It is a change of use involving new buildings and or hard surfacing exceeding 1000 square metres*

*Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.*

*If the proposal is to discharge into a watercourse, then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.*

*If it is proposed to discharge storm water into an NI Water system, then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out.*

- *FLD4 - Artificial Modification of watercourses – Not applicable to this site.*
- *FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.*

### **Objections and Representations:**

4 neighbours were notified of the proposal 05/05/2023. It was advertised in local press on 26/04/2023.

No objections or representations have been submitted for consideration.

### **Consideration and Assessment:**

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

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

The application site is located outside any settlement limits within the Plan. Prevailing regional policies therefore apply.

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

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

#### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

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

### **Policy CTY 8 – Ribbon Development**

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

*An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*

*For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.*

The application site sits to the southeast of number 31 Ballynamona Road and is an agricultural field. The nearest closest dwelling to the south is number 33 Ballynamona Road. To the south of number 33 is number 35. The first element of the policy test is therefore met, in that there are three buildings along the Ballynamona Road which have a substantial and continuously built-up frontage. The existing shed (LA07/2022/1099/LDE) is not considered to have frontage onto the Ballynamona Road. The red line approved with this application did not extend to the roadside (P01A) and the building is therefore discounted from further consideration.

There is a gap between buildings with frontage onto the road of 155m (approx.). This cannot be considered a small gap site, for the purposes of policy. It is considered that the gap could accommodate more than 2 houses, based on the surrounding residential pattern. The assessment of the suitability of a gap site is not solely a mathematical or academic exercise but should also be based on a visual assessment of the existing pattern of development on the ground (2021/A0106). The gap between numbers 31 and 33 Ballynamona Road serves to provide relief and a visual break in the developed appearance of the locality. This gap helps maintain the rural character of the area. Development on the site would undermine the rural character of the area.

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' design guide is taken into account in assessing all development proposals in the countryside. Para 4.4.0 of BoT advises that new development under CTY 8 "will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character." Appropriate gap sites follow the established grain of the neighbouring buildings. Whilst assessment should not be solely a mathematical exercise, the below plot analysis outlines how the proposal would not follow the established grain of the neighbouring buildings (31, 33 and 35) (site shaded red). The proposal does not respect the existing development pattern in terms of plot size.



Above image from agent's supporting statement

The application site is not a small gap within an otherwise substantial and continuously built-up frontage. If approved, the proposal would add to the ribbon of development along Ballynamona Road, contrary to the provisions of Policy CTY 8.

*Consideration of additional information forwarded by agent:*

Following correspondence sent to the agent (outlining that the Planning Department did not consider the application site met the criteria of CTY 8), some additional information was forwarded for consideration.

This has been considered in full by the Planning Department. It remains the opinion of the Planning Department that the proposal does not represent 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 proposal is for outline planning permission for one dwelling and garage. The site is a relatively level portion of agricultural land. It is not considered that, with the appropriate conditions regarding ridge height and dwelling siting, that the proposed dwelling would be a prominent feature in the landscape. The surrounding character of the immediate area is characterised by single residential dwellings.

The site is capable of providing a suitable degree of enclosure for the building to integrate into the landscape. It is not primarily reliant on the use of new landscaping for integration purposes. It is considered that the proposal blends with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The ancillary works and the design of the building would be assessed at Reserved Matters stage.

#### **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.

Subject to the relevant conditions, it is not considered that the proposed dwelling and garage would be unduly prominent in the landscape. The impact of ancillary works would be assessed in full at Reserved Matters stage, should approval be forthcoming.

The cumulative impact of the proposed dwelling and garage, when read with existing development in the locality, would be detrimental to the rural character of the area. The proposal results in a suburban style build-up of development when viewed with existing and approved buildings along this portion of the Ballynamona Road.

In order to maintain and protect the rural character of an area, the proposed new building should respect the traditional pattern of settlement. To be considered acceptable, a new building in the countryside should adopt the spacing of the traditional boundaries found in the locality. It is not considered that the proposed dwelling adopts the spacing of the residential buildings in the locality.

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

#### **CTY 16 – Development relying on non-mains sewerage**

The application form submitted indicates it is proposed to dispose of foul sewage by septic tank. The application complies with policy CTY 16 of PPS 21.

A condition should be included with any approval to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

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

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



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

DfI Roads have indicated that they have no objections in principle to this proposal, subject to the submission of detailed plans at Reserved Matters stage.

### **Planning Policy Statement 2 – Natural Heritage**

The application site lies within an Area of Outstanding Natural Beauty (AONB). Policy NH 6 outlines planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality.

For the reasons outlined above, it is not considered that the siting of the proposal is appropriate for the locality. The site does not represent an exception to Policy CTY 8.

The proposal does not threaten any features of importance to the character, appearance or heritage of the landscape.

The design of the proposal would be assessed at Reserved Matters stage, and consideration given to local architectural styles and patterns.

The proposal may involve the removal of some hedgerow for the provision of visibility splays. This is NI Priority habitat, and the planning department recommends that existing hedgerow are retained wherever possible as per NIEA NED guidelines and standing advice. Where NI Priority hedgerow is removed, this must be compensated for by new planting of an equal or greater length of mixed native species hedgerow – this would be conditioned alongside any approval to ensure implementation.

### **Planning Policy Statement 15 – Planning and Flood Risk**

There is a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the Drumintee Drain. This lies adjacent to the western boundary of this site.

DfI Rivers were consulted in relation to this proposal, given the proximity to this watercourse. Their comments are below:

- *FLD1 - Development in Fluvial and coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or the 1 in 200 year coastal flood plain. However, there is a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 adjacent to the western boundary of this site.*
- *FLD2 - Protection of Flood Defence and Drainage Infrastructure – A watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Drumintee Drain' is located within the western boundary of the site.*  
*Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse is required to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. The working strip should be protected from impediments including tree planting, hedges, and permanent fencing.*  
*DfI Rivers notes that Drawing P02A appears to comply with this requirement.*
- *FLD3 - Development and Surface Water – For this application a Drainage Assessment will not be required as the proposal does not exceed any of the following thresholds:*

- *It is a residential development comprising of 10 or more dwelling units*
- *It is a development site in excess of 1 hectare*
- *It is a change of use involving new buildings and or hard surfacing exceeding 1000 square metres*

*Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.*

*If the proposal is to discharge into a watercourse, then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.*

*If it is proposed to discharge storm water into an NI Water system, then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out.*

- *FLD4 - Artificial Modification of watercourses – Not applicable to this site.*
- *FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.*

The Planning Department have considered the indicative drawing P02A, which appears to comply with DfI Rivers requirement.

This application seeks outline planning permission and the Planning Department have no reasons to object under PPS 15, provided this working strip would be conditioned with any approval.

### **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 ribbon development along Ballynamona Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would add to a ribbon of development along Ballynamona Road, and would result in a suburban style build-up of development when

viewed with existing and approved buildings along Ballynamona Road, which would result in a detrimental change to the rural character of the area.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2 Natural Heritage in that the proposed siting is not sympathetic to the special character of the AONB.

**Case Officer:** E.Moore 01/11/2023

**Authorised Officer:** M Fitzpatrick 06/11/2023

LA07/2023/2325/O

**Erection of dwelling and garage (gap site)****30m southeast of 31 Ballynamona Road, Killeavy, Newry**

- This is a very simple planning application, for one house in one half of a two-dwelling gap. If you measure the gap from an adjacent shed to a nearby domestic garage, there are no issues with the size of the gap. However, officers believe the gap should be measured from the gables of houses beyond this, and this increases the size of the gap. Although this adds 30 metres to the distance, the gap is still not physically capable of accommodating any more than two houses that respect the existing pattern of development along the frontage.
- Officers measure the gap at 155 metres. They feel that is not a small gap. Officers concede that this assessment does not come down to a mathematical exercise and they cite a planning appeal in support of that position. The applicant agrees – this should not boil down to a mathematical exercise.
- CTY 8 does not prescribe any upper or lower limits for gap sites. We recently obtained approval for a dwelling in a 165m gap, in this District, and approvals are frequently granted for gaps around 150 metres (it is unusual for single rural plots to exceed 75/80 metres wide hence twice that is a reasonable outer limit).
- Officers have not robustly justified why they discounted the shed from their assessment, incorrectly relying upon the fact that when the shed was made lawful, the application's red line did not extend to the road.
- Officers have failed to recognise that the shed was developed through an expansion of No. 31's curtilage. It is part of No. 31's plot – not an independent plot without frontage, as officers suggest.
- Officers failed to grasp that the shed is only accessible via an open area in the dwelling's rear yard. There is no gate, or other physical feature that would otherwise separate the shed from the house. The shed is indifferent to the pre-existing shed to the rear of 31 – it is used for the same purpose; it is similarly finished and it is accessed the same way. It is wrong to say it is on a different plot from 31 therefore.
- The crux of the issue is that the shed is not set back, on a free standing plot (as officers suggest). It is part and parcel of the adjoining house's plot. Albeit it is not in the established rear garden, the curtilage to the house was extended when the shed was built and this has now been certified lawful.
- When the shed is taken into account, as it rightfully should be, the distance between buildings is reduced to 126 metres (which is well within the policy's normal tolerance).
- As already mentioned, officers state that "the assessment of the suitability of a gap site is not solely a mathematical or academic exercise but should also be based on a visual assessment of the existing pattern of development on the ground (2021/A0106)". Despite that, officers proceeded to appraise the pattern of development with an absolute reliance upon the areas of plots, not mentioning plot width at all and showing no appreciation of why there is variation in the size of the plots on the road.
- Officers, in appraising the pattern of development, failed to have regard to the characteristics of the frontage or the fact that it is typified by two wide plots and one narrow plot. We ask why the widths of



the plots were not taken into account (mathematically, or visually) when there was little other correlation between plot sizes.

- If the correct approach had been taken, there would have been acceptance this is an infill site, and in turn this addresses all reasons for refusal (CTY 1, CTY 8, CTY 14 and NH 6 of PPS 2, which relates to the pattern of settlement). There are no issues in terms of design, integration, access etc.
- There is no evidence officers have shown the requisite understanding of a very relevant characteristic on this built up frontage: of three plots, two are wide and one is narrow. A pattern is a repeat. The fact that there is repetition in plot width has been disregarded entirely.
- Officers have not registered that when the pattern of development is characterised by wider plots, then the spacing between buildings will be greater and the gap between buildings will be wider.
- Officers have not registered the proper starting point in their assessment of the shed: there is a settled principle that a building has a frontage onto a road if the plot on which it stands abuts or shares a boundary with the road. The shed is part of 31's curtilage / plot.
- Officers have failed to carry out a full evaluation of the status of the shed, and have not shown appreciation for the fact there is an open area between the shed and the house, or the fact that access to the shed can only be taken from the house, meaning that it is all the one plot, albeit with more than one building in the curtilage.
- In relation to the shed, policy does not distinguish between individual buildings on standalone plots, or buildings that lie in the curtilage of another building.
- Supplementary guidance states that where a gap is more than twice the average plot width, it will be too wide. Conversely, as this gap is not more than twice the average plot width, it is not too wide.
- Officers have stated that the gap is a visual break between developments, failing to recognise an important distinction – it is only **important visual breaks** that are protected from development and officers have not referred to that distinction. Nothing has been presented to argue this site is actually an important visual break.
- In looking at the pattern, officers relied upon plot size, but they failed to recognise that the plots are of varying *depth* due to the fact that a watercourse to the rear of the frontage does not run in a straight line. This results in some plots being deeper than others, which in turn explains the variation in plot area. This has not been reflected in a physical / visual assessment, reinforcing the view that this has been a mathematical exercise, contrary to doctrine.
- Officers acknowledge receiving additional information from the applicant but offered no comment on the points raised.
- We feel that the proposal is fully justifiable and in the event members are not persuaded we invite you to visit the site to determine where the gap should be measured between and decide if any more than the maximum permissible (two) dwellings would respect the pattern of development.
- We thank you for your time and invite any questions members may have.

**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 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.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	<b>Awaiting Consultee response.</b>	N
<b>PLANNING COMMITTEE MEETING 09 MARCH 2022</b>					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley	<b>NIEA requested further information. Agent advised</b>	N
LA07/2017/0978/F and LA07/2017/0983/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	<b>Amendments with Consultee</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>PLANNING COMMITTEE MEETING 06 APRIL 2022</b>					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	<b>Under consideration by Planning Office</b>	N
<b>PLANNING COMMITTEE MEETING 29 JUNE 2022</b>					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	<b>On agenda for December 2022 meeting - deferred</b>	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	<b>Under consideration by Planning Office</b>	N
<b>PLANNING COMMITTEE MEETING 27 JULY 2022</b>					
LA07/2020/1864/F	Proposed barbers shop / hairdressers - Between no.39 Church Street Rostrevor & no. 2 Water Street Rostrevor	Defer for a site visit	Pat Rooney	<b>Site visit 10-08-2022 – on agenda for meeting on 24-08-2022 – defer to allow for further discussions to take place with the agent,</b>	N



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				applicant and planners	
<b>PLANNING COMMITTEE MEETING 16 NOVEMBER 2022</b>					
LA07/2020/1651/F	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description) 75m north of 18 Ballinasack Road, Mullaghbawn, Newry.	Defer for a site visit at December Planning meeting	P Rooney	Site visit – 18-01-2023 – return to Planning Committee on 08-02-2023 Defer for clarification in relation to the points raised by Legal	N
<b>PLANNING COMMITTEE MEETING 08 FEBRUARY 2023</b>					
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N
<b>PLANNING COMMITTEE MEETING 08 MARCH 2023</b>					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carnivekeeney Road Newry Co. Down.	Defer	P Rooney/A Donaldson		
<b>PLANNING COMMITTEE MEETING 05 APRIL 2023</b>					



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2022/0210/F LA07/2022/0226/F	Ground Floor, Unit 12, Seaview, Warrenpoint	Defer both for site visit by Members and allow time to get more input from Environmental Health with regard to potential environmental health implications	P Rooney		
<b>PLANNING COMMITTEE MEETING 26 JULY 2023</b>					
LA07/2022/0819/F	Proposed rear extension – 7 Courtney Hill, Newry	Defer to next meeting of Planning Committee	M Keane	<b>Tabled at August Planning Committee</b>	N
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick		N

<b>PLANNING COMMITTEE MEETING 23 AUGUST 2023</b>					
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access – 4 Majors Hill, Annalong	Defer determination to explore further options regarding the development of a lay-by for the proposed application.	M Keane		N
<b>PLANNING COMMITTEE MEETING 18 OCTOBER 2023</b>					
LA07/2023/2587/F	Carlingford Lough Greenway connecting Victoria Lock with NI/ROI Border. 4m wide timer boardwalk	Defer for a site visit by Members	P Manley	<b>Approved as per Case Officer recommendation at Special Planning Committee Meeting</b>	Y

held on 26 October  
2023