



February 2nd, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 7th February 2024** 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 and Chairperson's Remarks

2.0 Declarations of Interest

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

For Information

Items 6 & 7 - Cllrs Byrne, Hanna, Larkin, McAteer, D Murphy, Rice and Tinnelly attended site visits on 24-01-2024

4.0 Minutes of Planning Committee held on 10 January 2024

For Information

 *DRAFT Planning Committee Minutes 10 January 2024.pdf*

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

For Decision

 *Addendum list - 07-02-2024.pdf*

Page 9


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

6.0 LA07/2020/1651/F – 75m North of 18 Ballinasack Road, Mullaghbawn, Newry, BT35 9XT – Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F)

For Decision

REFUSAL


Speaking rights have been requested by Colin O Callaghan, agent, in support of the application.

 *Item 6 - LA07-2020-1651-F.pdf*

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 *Item 6 - LA07-2020-1651-F-addendum.pdf*

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 *Item 6 - LA07 2020 1651 F.pdf*


Page 21

7.0 LA07/2023/2125/O – Lands adjacent and SW of No. 3 Tullydonnell Road, Silverbridge – Site for Dwelling


For Decision

REFUSAL

In line with the Operating Protocol no further speaking rights are permitted on this application (Colin O'Callaghan, agent, will be present to answer any queries members may have)

 *Item 7 - LA07-2023-2125-O.pdf*

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 *Item 7 - LA07-2023-2125-O (CTY2a Cluster).pdf*


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Development Management - Planning Applications for determination

8.0 LA07/2022/1444/F - 23 Main Street Camlough - New Public House

For Decision

APPROVAL


 *Item 8 - LA07.2022.1444.F.pdf*

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9.0 LA07/2021/1427/O - Site at and directly adjacent (North and West) to no. 24 Nursery Drive, Daisy Hill, Newry, BT35 - Site for housing development with new road access and associated site works

For Decision

APPROVAL

 *Item 9 - LA07.2021.1427.O.pdf*

Page 41


10.0 LA07/2023/3447/F - Lands East of the (A1) Belfast Dublin Dual Carriageway (Southbound) Off slip signposted towards Newry/Craigavon (A27) and Armagh (A28) at Newry. Lands are South of the Link Road connecting the (A27) Tandragee Road and (A28) Armagh Road, approx. 300m West of the Tandragee Road/Carnbane Road/Shepherds Way Roundabout, Newry - To Vary Condition No. 18 of planning permission LA07/2017/1182/F

For Decision

APPROVAL

No. 18 of Planning Permission LA07/2017/1182/F which reads: "Prior to commencement of development, works for the disposal of foul and storm sewage shall be provided on site to serve the development hereby permitted, in accordance with details to be submitted and approved in writing by the Planning Authority to the satisfaction of Northern Ireland Water or other relevant authority. Proposed amended text for this condition:

"Prior to commencement of development details of the method of foul and storm sewage disposal shall be submitted to the Planning Authority for agreement. Prior to occupation of the development the disposal of foul and storm sewage shall be provided on site to serve the development hereby permitted in accordance with the approved details and to the satisfaction of Northern Ireland Water or relevant authority".


 *Item 10 - LA07.2023.3447.F.pdf*

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11.0 LA07/2018/1089/F - South East of St Marys Primary School, Old Grand Jury Road, Saintfield Parks, Saintfield - Proposed Housing Development consisting of 16 units (6no. Detached and 12 no. semi-detached), landscaping proposals and associated site works. (amended description, site layout and sections)

For Decision

APPROVAL


 *Item 11 - LA07.2018.1089.F.pdf*

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12.0 LA07/2022/1678 - 90m East of Modern Tyres and 140m NE of No. 3A Derryboy Road, Newry - site for one manufacturing and maintenance building

For Decision

APPROVAL

 *Item 12 - LA07.2022.1678.F.pdf*

Page 79

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

For Decision

REFUSAL

Speaking rights have been requested by Conor Cochrane, in objection to the application.

Speaking rights have been requested by Cllr Sharvin in objection to the application.

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

Item 13 - LA07-2022-0246-F.pdf	Page 89
item 13 - LA07-2022-0246-F - objection.pdf	Page 107
Item 13 - LA07.2022.0246.F - objection.pdf	Page 108
LA07 -2022-0246-F.pdf	Page 109

14.0 LA07/2021/1660/F - 250m SE of 19 Nutgrove Road, Annadorn, Downpatrick - Dwelling

For Decision

REFUSAL

Speaking rights have been requested by Kieran Carlin, agent, in support of the application.

Item 14 - LA07-2021-1660-F.pdf	Page 111
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14.1 LA07/2021/1660/F - 250m SE of 19 Nutgrove Road, Annadorn, Downpatrick - Dwelling

This item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to any individual and the public may, by resolution, be excluded during this item of business.

Item 14 - LA07-2021-1660-F - support.pdf	Not included
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15.0 LA07/2022/1712/O - Lands between 51 and 53 Dundrinne Road, Castlewellan - 2no infill dwellings and garages

For Decision

REFUSAL

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

Item 15 - LA07-2022-1712-O.pdf	Page 120
Item 15 - LA07-2022-1712-O.pdf	Page 132

For Consideration and/or Decision

16.0 Public Consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland)

2015

Response to be drafted

📄 *Consultation letter on Review of the ~ Classes and Thresholds PACC and Removal of mandatory PDHs (002).pdf*

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For Noting

17.0 Listing of Buildings of Special Architectural or Historic Interest

For Information

17.1 HB16 28 110

Updated Location Map following Jan Planning Committee Decision.

📄 *HB16 28 110 DC Report.pdf*

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📄 *HB16 28 110 Location Map.pdf*

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17.2 HB 16 21 041

📄 *HB16 21 041.pdf*

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17.3 HB 16 21 061

📄 *HB16 21 061.pdf*

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17.4 HB 16 23 006

📄 *HB16 23 006.pdf*

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18.0 Historic Action Sheet

For Approval

📄 *Planning HISTORIC TRACKING SHEET .pdf*

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Invitees

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

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

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 10 January 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

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

Officials in attendance: Mr C Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director of Regeneration
Mr A McKay, Chief Planning Officer
Mr Pat Rooney, Principal Planning Officer
Mr Peter Rooney, Legal Advisor
Mr M Keane, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Ms C Halliday, Planning Assistant
Miss S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

P/001/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Byrne.

The Chairperson advised there had been an error on the addendum list. He stated item 6 should be removed and item 7 added onto the addendum list for Members' agreement.

P/002/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/003/2024: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

- Item 6 - LA07/2020/1651/F - Cllrs. Byrne, Larkin, Lewis, Murphy, McAteer and McEvoy attended the site visit on 18-01-2023

MINUTES FOR CONFIRMATION**P/004/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 13 DECEMBER 2023**

Read: Minutes of Planning Committee Meeting held on Wednesday 10 December 2023. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Finnegan, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 December 2023 as a true and accurate record.**

FOR DISCUSSION/DECISION**P/005/2024: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 January 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, 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 10 January 2024:**

- **LA07/2022/1395/F** - 11 & 13 Duke Street, Warrenpoint, BT34 3JY- Proposed demolition of Nos 11 & 13 Duke Street, Warrenpoint and reconstruction of off-licence with four apartments over
APPROVAL
- **LA07/2020/0426/F** - 51a Forkhill Road, Newry, BT35 8QY - Demolition of existing dental practice, hot food bar and ancillary storage buildings; development of indoor play unit, replacement dental practice, replacement hot food bar, restaurant, opticians, travel agency, craft shop, ancillary storage buildings; and extension to existing kitchen area for existing
APPROVAL
- **LA07/2023/2082/F** - 35 Fair Road, Greencastle Kilkeel, BT34 4LS - Addition of a single storey rear extension
APPROVAL
- **LA07/2023/2322/F** - Council Playing Fields The Links, Strangford - Construction of new public walking trail and car park
APPROVAL
- **LA07/2023/3517/F** - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.
APPROVAL

- **LA07/2023/3516/LBC** - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

CONSENT

- **LA07/2022/1052/O** - 61-63 Edward Street Downpatrick - Demolition of existing shop building and proposed construction of 2no Semi-detached dwellings

APPROVAL

- **LA07/2022/2025/LBC** - 10-14 Central Promenade Newcastle Co. Down - Replacement 2no. 1st Floor fixed sash windows and frames to match existing.

CONSENT

- **LA07/2020/0801/O** - Lands between Daisy Hill Road adjacent and northwest of 3 Woodhill adjacent and southeast of 1 Woodlands Newry - Proposed Housing Development.

REFUSAL

DEVELOPMENT MANAGEMENT –

P/006/2024

PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2020/1651/F

Location:

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

Proposal:

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

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson advised the previous site visit had occurred in 2023 with previous Planning Committee Councillors, therefore a quorum was not available. He proposed that a further site visit for the new Councillors be held before the next Planning Committee Meeting. This was seconded by Councillor Finnegan.

AGREED:

On the proposal of Councillor D Murphy, seconded by Councillor Finnegan, it was agreed to defer decision on the application for a site visit prior to the next Planning Committee Meeting in February.

P/007/2024: PLANNING APPLICATIONS FOR DETERMINATION**(2) LA07/2022/1168/F****Location:**

Lands east of Chancellors Road north and west of No. 20 Carnagat Lane and to the north
And rear of Nos. 44; 46 and 46a Chancellors Road Newry

Proposal:

Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Patricia Manley provided details of the application, alongside a site map with the layout of the development included. Ms Manley clarified details of the frontage, elevations, façade, loading bays and associated earth bunds. She provided images of the site by section and detailed concerns and issues such as road widening, building positions, and restricted views which would help integrate the building. She mentioned that nearby properties had submitted letters of support. She outlined the policies that the application was judged against, which led to the approval decision by the Planning Department. Ms Manley outlined the consultation process with all statutory bodies, and any concerns raised were mitigated subject to conditions being met. She finished by outlining that approval was subject to all conditions already set out by consultees being met.

Speaking rights:**In objection:**

Chancellor Road Residents Group, represented by Martina Lynch. Ms Lynch detailed that over 320 objections had been raised from residents, community groups and political representatives. She put forth the arguments as to why she believed the policies that the application was judged against were incorrect and the impact on community amenity and safety, alongside arguments relating to parking spaces, the height of the proposed structure and site traffic in relation to Chancellors Road. Ms Lynch highlighted that there was only one entrance to the site, that of Chancellors Road, and that all traffic would have to travel this route, which was unsafe for residents. She queried why Environmental Health had changed their objection to approval in November 2022. She also detailed residents concern about the lack of public transport available to the area, and the increase in traffic that would result from staff driving to work at varying hours of the day and night.

In Support:

Tom Stokes, Planning Consultant, spoke in support of the application. Mr Stokes outlined how the business would support the local economy and outlined that the site was located in an area already zoned for development. He reiterated that the applicant understood the concerns of the residents and would work hard to be a good neighbour. He mentioned that they had consulted with DFI roads, and agreements were in place that Chancellors Road would be brought up to standard before any work began on the site to include road widening and a dedicated right turn lane for traffic to the site in order to try to ensure the safety of the local residents. He outlined the changes from the previous application, detailing how the proposed purchase of land was increased to allow an increase in the distance of the site from local residents, and in conjunction with Environmental Health what measures were put in place to help reduce any noise pollution.

An extensive debate followed, with Councillor Hanna querying the actual operating hours of the business, and any measures taken regarding noise reduction within the warehouse, and on all external works, to include the reverse warning noise on HGVs and forklifts. Further discussions centred around operating hours, delivery hours, working schedules of staff, and the location of loading bays in relation to local residents, alongside all efforts taken to reduce noise of the work in consultation with Environmental Health.

Councillor Finnegan questioned whether any agreement had been reached with DFI Roads about ensuring that Chancellors Road was brought to standard width, among other concerns that impacted on residents' safety. Mr Stokes clarified that all work on upgrading Chancellors Road was to be carried out prior to work beginning on site and mentioned that this was already agreed with DFI Roads.

Councillors D Murphy, McAteer and Tinnelly further queried and clarified details pertaining to the noise pollution tests and results, the operational hours of the site, and the delivery hours of the HGV lorries. Ms Lynch queried whether a condition could be put in place that HGV lorries leaving the site depart in a particular direction, but Ms Manley confirmed that traffic cannot be controlled in such a manner, and it wouldn't be a condition that could be placed on the approval of the application.

Following further discussion regarding the distance of various locations within the site to the nearest residence, vehicular movement within the site and associated noise impact, the proposal was put to a vote and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2022/1168/F supporting the officer recommendation as contained in the Case Officer Report.**

Planning Officers be delegated authority to impose any relevant conditions.

(4) LA07/2020/1671/F

Location:

Land adjacent to Seaview and Shore Street and 34 Seaview Killyleagh

Proposal:

Residential development of 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total) with vehicular and pedestrian entrance at Seaview, car parking, private open space and ancillary works including retrospective consent to demolish garage (Amended proposal description and amended plans)

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Annette McAlarney made use of a power point presentation detailing the site location and all nearby residences and structures. Ms McAlarney mentioned that 95 letters of objection and 45 letters of support had been received. She outlined that the site was located in a conversation area, in close proximity to a number of listed buildings. She mentioned that the application was reduced from 18 units down to 10, outlining the policies that the application had been judged against to both reduce the number of units, and to approve the application. Ms McAlarney detailed that the site may be subject to flooding, being on a flood plain boundary, but reiterated that DFI Rivers had no objection to the approval of the application after the building elevations were increased.

Speaking rights:**In objection:**

Mark Conn and Abigail Kilgore from DAERA Marine and Fisheries Division spoke in objection to the site. Mr Conn commended the amended plan, outlining that the majority of the site now remained outside of the flood plain, however the South East corner still remained within the flood plain. He outlined that although there was a flood wall in place to protect the site, they were not 100% effective. He welcomed the elevation of the buildings, and the decreased number of units as part of the application but asked if they could be altered or raised further to mitigate the risk of flooding.

Councillor Larkin queried it was possible to increase the elevation of the buildings as suggested by Mr Conn, and Ms McAlarney confirmed that if the Committee decreed that the levels needed to be increased, this would result in a change to the application and would require a new application. She reiterated that the current levels were approved in relation to a flood risk assessment, and they were marginally above the levels relating to a climate change flood.

Councillor Hanna queried the existing sea wall, ownership of the same and if it could be elevated. Ms McAlarney confirmed that the sea wall was under the ownership of the Council and any changes to this would require planning permission. Ms Kilgore highlighted that any changes to the sea wall would also require Marine License approval.

After this discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	10
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2020/1671/F supporting the officer's recommendation as contained in the Case Officer Report.**

(5) **LA07/2023/2125/O**

Location:

Lands adjacent and SW of No.3 Tullydonnell Road Silverbridge

Proposal:
Site for Dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Maria Fitzpatrick made use of a power point presentation that outlined details of the location of the application, and the surrounding area. Ms Fitzpatrick highlighted that there were no objections from residents or from statutory agencies. She detailed the policies that the application was judged against, and the reasons why a refusal was issued in relation to the application.

Speaking rights:
In Support:
Colin O' Callaghan spoke in support of the application. He challenged the policies that the application was judged against and gave details of other sites similar to this one where approvals had been issued and urged Committee Members to reconsider the application decision.

Councillor McAteer requested clarification of the consideration of the existing foundations on site, and the same regarding the road. Some discussion ensued regarding the existing foundations, the road and the wording of the policy relating to cluster developments. Councillor McAteer requested advice from Mr Peter Rooney regarding the wording of the policy. Mr Peter Rooney confirmed that the wording mentions "buildings" and foundations were not to be included in any considerations when applying the policy.

Councillor Finnegan proposed to defer a decision until a site meeting could take place in order that Councillors were able to observe the site.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Finnegan, seconded by Councillor Hanna, it was agreed to defer decision for a site meeting.**

FOR NOTING

P/008/2024 LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC DESIGN

Read: Communication from Department for Communities detailing 17 structures within Newry, Mourne and Down that are being Listed as Buildings of Special Architectural or Historic Interest. **(Copy circulated)**

Councillor McAteer mentioned that a number of buildings on the list were buried or partially buried and queried if they could be unearthed or highlighted in some way, given they were now to be listed buildings or structures. This was seconded by Councillor Campbell.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to note the List as approved.

On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to consider how Council could showcase some of the historic buildings that were on the list.

FOR NOTING

P/009/2024 **HISTORIC ACTION SHEET**

Read: Historic Action Sheet (Copy circulated)

AGREED: It was agreed on the proposal of Councillor McAteer seconded by Councillor Campbell to note the Historic Action Sheet.

There being no further business the meeting ended at 12:12pm

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 7 February 2024

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

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

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2020/1651/F
Date Received:	10/11/2020
Proposal:	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).
Location:	75m north of 18 Ballinasack Road, Mullaghbawn, Newry

1.0. Site Characteristics & Area Characteristics:

- 1.1.** The site is located on the elevated and minor Ballinasack Road. The site currently encompasses foundational work and steel caging and is currently located below the level of the road (approximately 3 metres below) but is situated above the level of the dwelling at No.18 (approximately 5m, to a maximum of 10m in parts) and is approximately 45 metres to the north of No.18. The site is bounded by post and wire fences with low hedges to the front of the site. The surrounding area is rural in character and is characterised by farm groups and single houses.
- 1.2.** The site is located in the open countryside outside of any settlements and within the Ring of Gullion Area of Outstanding Natural Beauty (AONB) as designated in the Banbridge Newry and Mourne Area Plan 2015.

2.0. Site History:

P/2003/0168/O

- Site for dwelling and garage
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 20.06.2003

P/2006/2002/F

- Erection of dwelling
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 11.01.2008

P/2010/0904/F

- Erection of farm dwelling to include retention of existing foundations
- 45m north of 18 Ballinasack Road, Mullaghbawn
- Application withdrawn

3.0. Consultations:

Transport NI – DfI Roads has no objection in principle to this application.

NI Water – Generic response to routine planning application

HED – On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

4.0. Objections and Representations:

One neighbour was notified of the proposal on 15/12/2020. The proposal was also advertised in local press 12/01/2021.

Two items of correspondence were received from an objector on 27 January 2021 and 25th March 2021. Issues raised are summarised below:

- Address of site conflicts with footprint of proposed dwelling
- Non-compliance of previous approval with planning law
- Proportion of site covered by run-off area (in relation to septic tank emptying consultation response).
- Personal circumstances should not take precedence over other planning and development considerations.

5.0. Planning Policies and Material Considerations:

Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry Mourne Area Plan 2015

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

6.0. Site context/Background

6.01. There is a long and complex planning history related to this application site, which is a material consideration for this planning application.

6.02. By way of background, outline approval was granted on the site for a house on 20th June 2003 under reference P/2003/0168/O. This was subsequently followed, on 11th October 2006, by a full application for the erection of a dwelling

under reference P/2006/2002/F. This was granted approval on 11 January 2008 with a one-year time limit to commence development.

- 6.03.** On 19th February 2010, the previous planning authority, Department of Environment (DoE Planning), initiated an enforcement investigation, under file reference P/2010/0108/CA, in response to complaints regarding the alleged unauthorised commencement of works on the site. On 20th May 2010, DoE Planning served a planning contravention notice on the landowner and in response, the applicant stated he had started work, on the site, in Autumn 2009. This date was beyond the time limit of the previous approval which should have commenced by 11th January 2009. On the 19th July 2010, the DoE Planning subsequently received an application, P/2010/0904/F, for the erection of a farm dwelling to include the retention of the existing foundations.
- 6.04.** This application was considered over a period from July 2010 to November 2011, whereby numerous objections, amended plans and additional information was submitted. On 8th December 2011, the application was presented to the legacy Council, Newry, Mourne & Down District Council, as an approval and was subsequently deferred. The application was reconsidered, and it was concluded that there was no evidence to prove that works had started in accordance with the previous approval. A recommendation for refusal was presented to Council and deferred on 10th February 2012. A meeting was held between the Department and the applicant/agent in May 2012, whereby it was contended the applicant had an active farm and it was proposed to submit farm map and a P1C form for consideration as an application under a farm dwelling under Policy CTY 10 of PPS 21.
- 6.05.** These documents were submitted to DoE Planning in May 2012. Following consultation with DARD, it confirmed the Business ID had been in existence for more than 6 years, but payments or allowances had not been claimed in the last 6 years. It was considered by the planning authority that there was an established farm and that the application complied with the requirements of Policy CTY 10 of Planning Policy Statement 21 (PPS 21) and approval was recommended.
- 6.06.** This recommendation was subsequently deferred by the Council on 7th March 2013. A meeting was held between the Department and the objectors in May 2013. The information raised in the meeting was considered and a further assessment made. The application was again recommended for approval. This decision did not issue due to a further review by the former planning authority.
- 6.07.** Jurisdiction for the planning application then passed to Newry Mourne & Down District Council, following the transfer of planning powers in April 2015. On 7th September 2016, a meeting took place between the Council's Planning Department, the planning agent, applicant and a local elected representative. The complex history of the site was reviewed. The agent put forward reasons in support of an approval for consideration.

- 6.08.** On 24th November 2016, the planning agent submitted an amended proposed site layout and existing site layout survey and cross section for consideration by the Planning Department. The application was then further assessed by the Planning Department, and it was concluded that it was contrary to a number of statutory planning policies, including: the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10, Policy CTY 8, Policy CTY 13 and Policy CTY 14 of PPS 21 'Sustainable Development in the Countryside'; and Policy NH6 of Planning Policy Statement 2, 'Natural Heritage.' This was on a number of planning grounds including: it had not been demonstrated that the farm business was active or established; the proposed dwelling did not visually link or cluster with established buildings on the farm; and that the proposed dwelling would lead to inappropriate ribbon/suburban development in the countryside.
- 6.09.** The application was tabled for the Planning Committee on Wednesday, 26th June 2019 with a recommendation to refuse, as outlined above. The Planning Committee voted to overturn the case officer's recommendation on the grounds that significant excavation works had taken place and the applicant believed he had complied with regulations by commencing works. It was agreed officers be delegated authority to impose any relevant conditions.
- 6.10.** The Planning Department then issued a formal approval notice, on 2 July 2019, subject to a number of planning conditions.
- 6.11.** A formal application for leave to apply for a Judicial Review was then lodged by an objector in respect of the decision by Newry, Mourne & Down District Council to issue planning permission for the application on 2 July 2019. This was on the grounds that the decision was unlawful and of no effect. Legal advice was sought by the Planning Department, following the application for leave to apply for a Judicial Review, in line with normal procedure.
- 6.12.** Members of the Planning Committee were advised of the application for leave to apply for a Judicial Review at its meeting on 16 October 2019. The Committee voted to accept the legal advice given by Counsel and legal advisors and to concede the application on one ground, namely the 'reasons' issue.
- 6.13.** The application was returned to the Planning Committee on 29 July 2020 with a similar recommendation to refuse. Members voted to defer the planning application to allow for a site visit to take place so the Committee could assess the site in more detail.
- 6.14.** The application was subsequently formally withdrawn by the agent on 16th September 2020 and members of the Planning Committee were subsequently advised of this, at its meeting on Wednesday, 23rd September 2020.
- 6.15.** The applicant has now submitted a further application on the site for the 'Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).' This application must now be assessed.

7.0. Planning Consideration and Assessment.

- 7.1. This application seeks approval for a change of house type from that previously approved under P/2006/2002/F. The Planning Department has carefully assessed the application against prevailing planning policies and in the context of all relevant material considerations.

Banbridge/Newry and Mourne Area Plan 2015

- 7.2. Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use, therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

- 7.3. As there is no significant change to the policy requirements for the change of house type following publication of the SPPS, the retained planning policy is PPS 21 – Sustainable Development in the Countryside. This policy will be given substantial weight in assessing the proposal in accordance of para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

- 7.4. This proposal is for a change of house type to that previously approved under P/2006/2002/F. As outline above, the previous approval did not lawfully commence within the period prescribed by the formal approval. In the light of this fact, this change of house type is unacceptable, as the approval P/2006/2002/F, the subject of this application, has now lapsed, (also refer to Para 7.7).
- 7.5. The Planning Department advised the agent via email 22nd January 2021 that it was not considered that the previous permission P/2006/2002/F commenced lawfully, and this permission has lapsed. An opportunity to provide any additional information was offered.
- 7.6. The main points offered in response are listed below:
- *A decision-maker is lawfully entitled to attach as much or as little weight to an individual material consideration as it sees fit. Any planning decision involves the careful balancing of a number of material considerations, of which planning policy is but one. It follows that a site's planning history (owing to a history of planning approvals) could be attributed greater weight than the failure to comply with a planning policy that arose after that decision was taken.*
 - *Decision-makers are lawfully entitled to take account of an individual's circumstances, in endeavouring to ascertain whether that individual believed that he had exercised due care and attention in the implementation of an earlier planning permission.*

- *In this case, a combination of personal and domestic circumstances were at play in the period when the applicant ought to have been implementing his planning permission.*
- *Various factors can be taken together to justify a departure from planning policy, and are as follows:*

The long history of planning approvals on this site and the legitimate expectation that there would always be a dwelling thereon;

The applicant's genuine endeavours to implement a permission, however ineffective;

The applicant's personal circumstances in the period when development was to have commenced;

The fact that the applicant was prejudiced to the extent that his permission was to be implemented in a more stringent timeframe than many others of that time (even to this day there is inconsistency of approach with some applicants receiving 5 years and others receiving only one year); and

To this day, the NI Planning Portal states that the applicant's time limit was not in fact curtailed beyond the standard 5-year period, another indicator of the confusion that reigned.

- 7.7. The Planning Department has considered the points raised above and within the supporting statement provided. The previous full permission P/2006/2002/F was granted 11th January 2008 with condition 1 requiring development shall hereby permitted shall be begun before the expiration of 1 year from this date. The amount of time specified to commence a development is at the discretion of the planning authority. In the case of a full application for a dwelling on the foot of a previous outline approval, it was often standard practice to seek to link the time period as close as possible to the period specified in the original outline approval. In this case the previous planning authority judged that a period of one year was reasonable to enable the development to commence on site. The Planning Department do not consider that the issues raised, by the agent, are of sufficient weight to overcome the time requirements attached to the formal approval notice issued in respect of P/2006/2002/F.
- 7.8. Condition 4 of the formal approval notice also required that the vehicular access including visibility splays and any forward sightline shall be provided in accordance with the approved plans, prior to the commencement of any other works or other development hereby permitted.
- 7.9. This pre-commencement condition 4 was not complied with, as the access, splay and forward sightline have not been completed or implemented on the site. Failure to comply with condition 4 means that the permission has lapsed and has not commenced.
- 7.10. Furthermore, aerial photography as well as superimposed drawings provided by the former agent show that the foundational work, carried out on the site, is built in the wrong position and is not in accordance with the approved plans. The permission has not commenced. Additionally, the applicant has previously stated that he started work on the site in autumn 2009 - after the one-year expiry

date of the previous approval (which would have been 11th January 2009). The Planning Department consider that the previous approval on the site was not commenced and this permission has lapsed.

- 7.11.** At a meeting in May 2012 the applicant and former agent appeared to accept that the previous approval had not commenced and said that had a small active farm and Business number and subsequently a P1C form and farm map were submitted for consideration and assessment in May 2012 and the proposal was also amended to the erection of farm dwelling to include retention of existing foundations.
- 7.12.** In the light of the above, the Planning Department remains of the same opinion, as outlined above, that the previous approval P/2006/2002/F has not commenced lawfully. There is no basis on which this application for a change of house type to that previously approved can be approved. In the interests of completion, it has assessed the application against prevailing planning policy.

Policy CTY1 of PPS 21

- 7.13.** Policy CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development.
- 7.14.** Policy CTY1 states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:
- *A dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
The proposal is not located at an existing cluster of development.
 - *A replacement dwelling in accordance with Policy CTY 3;*
The proposal does not relate to a replacement dwelling.
 - *A dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
No personal or domestic circumstances information has been provided with this application.
 - *A dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
No evidence of a non-agricultural business enterprise has been provided with this application.
 - *The development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8;*
The application site does not represent a small gap within an otherwise substantial and continually built up frontage.
 - *A dwelling on a farm in accordance with Policy CTY 10.*

No evidence has been provided with this application to qualify for a dwelling on a farm.

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

CTY 13 - Integration and Design of Buildings in the Countryside

- 7.16. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is an appropriate design. A new building is unacceptable if any of the Criteria A to G are applicable.
- 7.17. It is considered that the proposal will be a prominent feature in the landscape, the site lacks long established boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, it relies primarily on the use of new landscaping for integration and ancillary works do not integrate with their surroundings. The site is open and exposed with little in the way of screening and is elevated in nature in relation to the surrounding topography.
- 7.18. Furthermore, it is the proposed intention to infill/ raise the levels in the site, further exacerbating issues of prominence on the site, any little screening that there is will be removed and it will not be possible for the proposal to integrate if approved. Sight splays, access and forward sight line work will be required to the front of the site which will further expose the issues of integration and prominence and primarily new landscaping would be required and relied upon for integration of the entire site. The ancillary works which would be required to facilitate the proposal, particularly the infilling, would not integrate with their surroundings.

CTY 14 – Rural Character

- 7.19. Under Policy CTY 14, planning permission will be granted for a new building in the countryside where it does not cause demonstrable change to, or further erode the rural character of the area.
- 7.20. It is considered that the proposal is contrary to this policy as the building would, if permitted be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, creates a ribbon of development and the impact of ancillary works would damage the rural character.

CTY 8 – Ribbon Development

- 7.21. As the proposal is contrary to criteria D of CTY 14 in that it creates a ribbon of development then the proposal is also contrary to Policy CTY 8 of PPS 21 which is the primary policy for assessing ribbon development. The proposal would, if

permitted, result in the creation of ribbon development along the Ballinasack Road.

CTY 16 – Development relying on non-mains sewerage

- 7.22. Foul sewage will be disposed of via septic tank. The proposal complies with CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

- 7.23. Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
 - c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

The siting of the proposal is not sympathetic to the special character of the AONB and the particular locality.

8.0. Recommendation:

The application is recommended for refusal in the light of the above and for the reasons outlined below.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballinasack Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The proposed building is a prominent feature in the landscape;

- The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - The proposal relies primarily on the use of new landscaping for integration; and
 - Ancillary works do not integrate with their surroundings;
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building, would, if permitted:
- Be unduly prominent in the landscape;
 - Result in a suburban style build – up of development when viewed with existing and approved buildings;
 - Create a ribbon of development, and
 - The impact of ancillary works would damage rural character.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer:

E.Moore.

Date: 28/09/2022

Authorised Officer:

P Rooney

Date: 28/09/2022



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Addendum to Case Officer Report

Application Reference: LA07/2020/1651/F
Date Received: 10/11/2020
Proposal: Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).
Site Location: 75m north of 18 Ballinasack Road, Mullaghbawn, Newry

1.0. Background.

- 1.1. This Addendum should be read in conjunction with the case officer report, previously circulated.
- 1.2. By way of background, the application above was presented, with an opinion to refuse planning permission, to the Council's Planning Committee on 8 February 2023.
- 1.3. The Committee agreed, on the basis of legal advice, to defer the application, for further clarification in relation to points raised by the Legal Advisor.
- 1.4. The application is now returned to Planning Committee, following receipt of clarification.

Case Officer: E Moore.
Date: 20 December 2023.

Authorised Officer: P Rooney.
Date: 20 December 2023.

LA07/2020/1651/F Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) 75m north of 18 Ballinasack Road, Mullaghbawn for Mr Gene Martin

This is an application for change of house type. It has been submitted on foot of attempts to secure the previous permission on this site through various works of construction, including foundations etc. It has been said that the applicant did not implement his previous permission in time (because his permission was limited to 1 year instead of the standard 5 years).

Although not alone, the applicant's previous permission was unjustly restricted to 1 year. However, the majority of others were given 5 years again for their change of house type application, even when there were only a few months remaining of the original approval. There was some confusion reigning due to the fact that time limits were being restricted in some cases but not others. In fact, the NI planning portal advises the permission had a 5-year lifetime. This Council is empowered to provide redress now and is entitled to attach as much weight to the history of planning approvals on this site as it sees fit. Showing the applicant a degree of clemency and giving him a final opportunity to implement his permission is a perfectly legitimate approach here, especially when the Council has a track record of giving applicants the benefit of doubt when it comes to matters involving the commencement of historic permissions.

It would not be irrational to recognise that the applicant genuinely attempted to commence his development and that because of the random and inconsistent limiting of certain permissions he was prejudiced (although not alone).

It has previously been suggested that to afford this applicant the benefit of doubt would be to prejudice other applicants who have been refused in similar circumstances. Regardless of how widespread the prejudice was, this applicant is the one before us today seeking recourse. It is up to others to decide how they pursue their cases. In any case, we provided a list of approximately 50 precedents from this Council area, and we are aware of no cases in which refusal has been the final outcome.

Of the precedents that support this applicant are two people who had appeals for change of house type dismissed, due to not having preserved the old permission effectively, but whose subsequent planning applications were approved / overturned by this Council (LA07/2017/0562/F and LA07/2019/1228/F). Clemency has been shown to a litany of applicants who have either commenced development but not in accordance with their planning permission; others who had failed to comply with pre-commencement conditions, or the case of LA07/2016/0716/F where we represented an applicant who had failed to carry out any works to commence a previous permission. In that case, it was agreed (by this Committee) to issue an approval on planning application LA07/2016/0716/F, contrary to Officer recommendation, subject to a condition being added that the proposal must commence within one year of the approval being issued – the applicant was given a final chance to save his permission.

The applicant, Mr Martin, made a conscious attempt to preserve his planning permission. At the time he set out to do the work, he was certain it was sufficient to preserve his permission. Although it is said that the work was carried out after the permission expired, some acknowledgement could be given to the confusion that reigned at that time – including the DOE tendering advice to applicants about how to commence their development (and the new Councils later finding the DOE was issuing wrong advice because it ignored pre-commencement conditions in particular).

The Council has previously confirmed the time limit applied to a permission is discretionary. It was also confirmed that the practice of limiting some permissions was not implemented across the board. On behalf of the applicant, it is suggested that any ambiguity needs to be taken into account.

It was suggested the applicant erred in not creating sight lines. In fact, sight lines were created in one direction (by cutting a hedge) and they were already in place in the other direction.

It was also said at one point that an access was not created to the site. However, an access was evident in earlier aerial photographs but this later grew over or was backfilled.

It is said the foundations were erroneously sited however there is considerable overlap between the "as built" and approved footprints. The planning history to this site suggests the principle of a dwelling on this site was accepted and established for a prolonged period, with lengthy commitments / effective permissions. While concerns regarding visual impact have been raised now, setting aside the previous permissions' findings regarding visual impact appears harsh and punitive, albeit we acknowledge the Council is not legally bound to stand over the previous approach of the Department of the Environment. It is however difficult to accept new standards given the substantive policy tests remain the same. The applicant has expressed willingness to improve upon any aspect of this design or to move the dwelling within the site, to a position of the Council's choosing.

If the applicant was deemed to have breached his planning permission by commencing late, then it is important to remember that breaches of planning control can be remedied through the grant of a new planning permission.

For the avoidance of doubt, showing greater weight to the applicant's combined circumstances can be given greater weight than the purported failure to comply with Policy CTY 1 of PPS 21. That would overcome the first refusal reason.

Ribbon development has been cited as an issue now. This is a curious reason for refusal given that there are no other developments sharing the same frontage with this site. The site is on a very short and angular section of Ballinasack Road, with nothing to either side and no prospect of anything to either side. Officers fail to mention what development would be read in cumulation with this to create a ribbon of development. As there is actually nothing to either side of the site (and no perception of anything to either side) the application cannot be contrary to CTY 8 of PPS 21.

Officers consider the proposal contrary to CTY 14 of PPS 21 as they feel it is prominent, and because they consider that it will result in ribboning, which is a suburban-style build-up of development. As before, given there is nothing to either side of the site, there cannot be any perception of ribboning, and the proposal does not actually offend CTY 14 in that respect, since the "suburbanisation" anticipated does not actually arise in the manner described.

Officers feel CTY 13 is offended as they feel the site is prominent and lacks established boundaries and is therefore unable to provide the necessary standard of integration. This is despite the fact the proposal previously passed the integration tests of equivalent policy. We believe officers have fallen into the age old trap of standing on an elevated site with panoramic views and assuming that the reverse views must be of a house that will be prominent. The planning report contains no records or reference to a critical analysis, and there is no indication as to the locations from which it would purportedly be apparent that the dwelling would lack established boundaries or other means of achieving suitable integration. There has been no identification of the locations from which it would purportedly be apparent that the dwelling would rely upon new landscaping for integration. The site is simply not exposed to the extent the planning department states. Views inwards will be extremely long-distance; from significantly lower contours and will see the dwelling absorbed by the mountain above it. The vegetation above the site will more than ably frame the dwelling from those long-distance views below. The dwelling will not breach the sky line from any of these long-distant viewpoints, the majority of which lie on the far side of a valley. Councillors will have seen that the site lies below the level of the public road, limiting the visual impact of the proposal, and we repeat that the applicant is willing to amending the design or siting of this proposal in any manner the Council sees fit.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2125/O

Date Received: 27/01/2023

Proposal: Site for dwelling and garage.

Location: Land adjacent and south west of No. 3 Tullydonnell Road, Silverbridge.

Site Characteristics & Area Characteristics:

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

The site is an irregular shaped portion of land that rises from its southern boundary quite steeply to the boundary with No 3 which is a detached single storey property. No 3 is located to the north east of the site, to the north of the site is an overgrown area of land, there are what appear to be the remains of foundations on this portion of land. The application site is quite open given its sloping nature with the result being that it is visible when travelling along Tullydonnell Road and the nearby New Road.

On the opposite side of the road there is a more urban style development consisting of a number of properties along with a children's play park and basketball / football area.

The site is located in a rural area within no settlement limits, the development on the opposite side of the road is more urban in its layout and appearance and the area on the same side of the road as the site remains rural in its character and appearance.

Site History:

P/2003/0527/O - Site for dwelling and garage - 1 Tullydonnell Road, Silverbridge, Newry – Permission Granted 05/09/2003.

P/2006/1680/RM – Erection of dwelling - 1 Tullydonnell Road, Silverbridge, Newry – Permission Granted 06/07/2007.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015

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

Consultations:

DFI Roads – No objections.

NI Water – No objections.

DFI Rivers – No objections subject to the proposal being under 1000sqm of any building and hardstanding, it is considered that any development would be under this threshold.

Objections & Representations:

The application was advertised on 22/02/2023, six (6) neighbours were notified on 21/02/2023, no representations or objections have been received.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The agent for the application submitted a supporting statement in which it states that the proposal should be considered against policies CTY 1 – Development in the Countryside and CTY 2a – New Dwelling in Existing Clusters, the statement and a follow up email provided by the agent provides justification as to how they consider the proposal to be in line with the requirements of CTY2.

CTY 1 sets out types of development that in principle are acceptable, consideration will be given to the proposal to ascertain if the proposal meets the policy requirements set out in CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

Although no specifics have been given it is considered that the cluster lies outside a farm, it is considered that the cluster consists of four or more buildings including properties to the west of the public road and No 3 adjacent and north of the application site.

- the cluster appears as a visual entity in the local landscape;

The cluster as identified by the agent does not appear as a visual entity but instead would appear as two separate entities being the residential area to the west of the public road and No 3 adjacent and north of the application site, the proposal does not meet this criterion of policy.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The site is located across the road from a community play area and so it could be argued that the site is associated with a focal point as the play area would be viewed as a community facility.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The agent argues that the proposal adheres to this criterion and that the overgrown foundations constitute development on one side and that No 3 is development on another side, it is also argued that other surrounding development should be considered including housing on the opposite side of the road.

The first aspect of this criteria is that the site should provide a suitable degree of enclosure, the site is open and sloping and as a result provides very little enclosure especially when viewed from New Road and Tullydonnell Road when travelling north. The site has No 3 on one side however the overgrown foundations are not considered in the spirit of this policy to constitute development. Approval on the overgrown site was granted over 15 years ago and there is no sign that a dwelling will ever be fully developed, it may be a case that the previous approval was not correctly implemented and as such any approval has lapsed. The overgrown site with foundations is not seen as one of the required two that should bound the site.

Any other development including properties on the opposite side of the public road are not seen to bound the site given the distinct separation by the road.

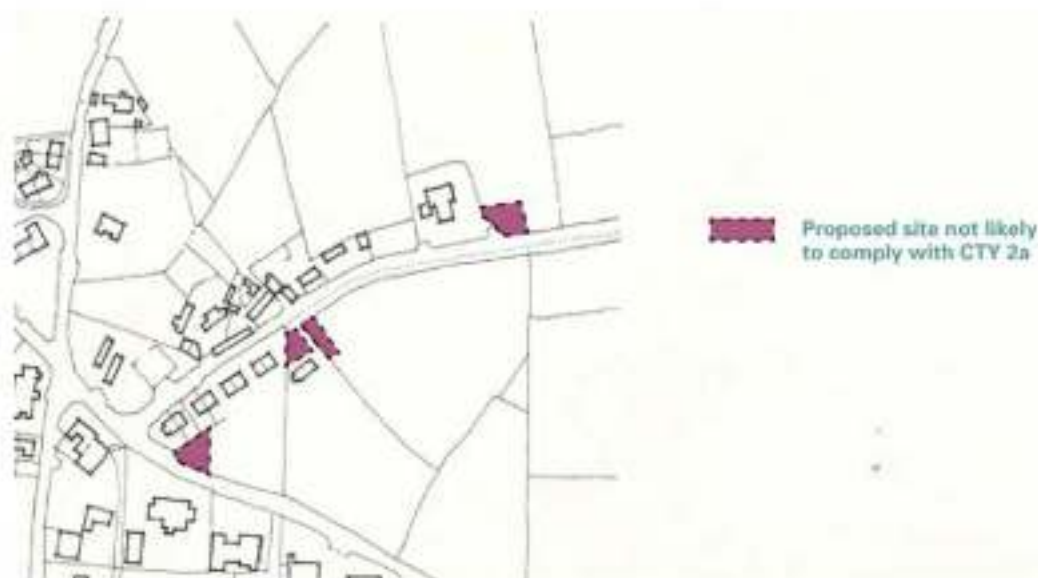
The site is not considered to provide a suitable degree of enclosure and is not bounded on at least two sides by other development as such the proposal does not meet this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The agent argues within the supporting information submitted that the proposal is a rounding off and that it will not intrude into the open countryside. The Planning Department having considered the information feel that the proposal is not a rounding off of an existing cluster, it is considered that if approved the development would alter the character and visually intrude into the open countryside due to its prominent and open nature. The proposal is not a rounding off opportunity but simply an extension of development into the countryside, if approved it could be further argued that another property to the south of the site would be a further rounding off opportunity which would lead to further build up and impact on the character of the rural area.

Supplementary planning guidance Building on Tradition provides guidance on when proposals may and may not be seen as acceptable under Policy CTY2a. The document includes justification including diagrams which show that to be considered acceptable under this policy it is not considered acceptable to simply add to the extremities of existing development as this would in fact add to ribbon development.

The diagram below shows examples of development not considered to be in line with Policy CTY2a, the examples included are very similar to this application in that they are simply added to the end of existing development.



- development would not adversely impact on residential amenity.

It is considered that a single storey dwelling could be designed and orientated on the site so it would not result in an adverse impact on the amenity of the adjacent property No 3 or on the amenity of any other surrounding properties, the proposal is in accordance with this criterion.

The proposal is considered contrary to a number of criteria within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a

prominent feature in the landscape. The site at present is quite open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. The proposal is for outline permission and so there are no details of design, if approval was recommended then conditions could be included to try and ensure any dwelling was of an acceptable design. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated, the site is open and so a dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings. It is considered that the proposal when viewed with No 3 and the dwelling to its north the will add to a ribbon of development. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The proposal (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster does not appear as a visual entity in the local landscape.

-the site does not provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

-the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and would significantly alter its existing character and visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

-the proposed dwelling if approved would be a prominent feature in the landscape;

-the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape;

-the proposed dwelling relies primarily on the use of new landscaping for integration;

and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted be unduly prominent in the landscape

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted create a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson **Date:** 15/11/2023

Authorised Officer: Maria Fitzpatrick **Date:** 16/11/2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2125/O

Date Received: 27/01/2023

Proposal: Site for dwelling and garage.

Location: Land adjacent and south west of No. 3 Tullydonnell Road, Silverbridge.

Site Characteristics & Area Characteristics:

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

The site is an irregular shaped portion of land that rises from its southern boundary quite steeply to the boundary with No 3 which is a detached single storey property. No 3 is located to the north east of the site, to the north of the site is an overgrown area of land, there are what appear to be the remains of foundations on this portion of land. The application site is quite open given its sloping nature with the result being that it is visible when travelling along Tullydonnell Road and the nearby New Road.

On the opposite side of the road there is a more urban style development consisting of a number of properties along with a children's play park and basketball / football area.

The site is located in a rural area within no settlement limits, the development on the opposite side of the road is more urban in its layout and appearance and the area on the same side of the road as the site remains rural in its character and appearance.

Site History:

P/2003/0527/O - Site for dwelling and garage - 1 Tullydonnell Road, Silverbridge, Newry – Permission Granted 05/09/2003.

P/2006/1680/RM – Erection of dwelling - 1 Tullydonnell Road, Silverbridge, Newry – Permission Granted 06/07/2007.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015

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

Consultations:

DFI Roads – No objections.

NI Water – No objections.

DFI Rivers – No objections subject to the proposal being under 1000sqm of any building and hardstanding, it is considered that any development would be under this threshold.

Objections & Representations:

The application was advertised on 22/02/2023, six (6) neighbours were notified on 21/02/2023, no representations or objections have been received.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The agent for the application submitted a supporting statement in which it states that the proposal should be considered against policies CTY 1 – Development in the Countryside and CTY 2a – New Dwelling in Existing Clusters, the statement and a follow up email provided by the agent provides justification as to how they consider the proposal to be in line with the requirements of CTY2.

CTY 1 sets out types of development that in principle are acceptable, consideration will be given to the proposal to ascertain if the proposal meets the policy requirements set out in CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

Although no specifics have been given it is considered that the cluster lies outside a farm, it is considered that the cluster consists of four or more buildings including properties to the west of the public road and No 3 adjacent and north of the application site.

- the cluster appears as a visual entity in the local landscape;

The cluster as identified by the agent does not appear as a visual entity but instead would appear as two separate entities being the residential area to the west of the public road and No 3 adjacent and north of the application site, the proposal does not meet this criterion of policy.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The site is located across the road from a community play area and so it could be argued that the site is associated with a focal point as the play area would be viewed as a community facility.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The agent argues that the proposal adheres to this criterion and that the overgrown foundations constitute development on one side and that No 3 is development on another side, it is also argued that other surrounding development should be considered including housing on the opposite side of the road.

The first aspect of this criteria is that the site should provide a suitable degree of enclosure, the site is open and sloping and as a result provides very little enclosure especially when viewed from New Road and Tullydonnell Road when travelling north. The site has No 3 on one side however the overgrown foundations are not considered in the spirit of this policy to constitute development. Approval on the overgrown site was granted over 15 years ago and there is no sign that a dwelling will ever be fully developed, it may be a case that the previous approval was not correctly implemented and as such any approval has lapsed. The overgrown site with foundations is not seen as one of the required two that should bound the site.

Any other development including properties on the opposite side of the public road are not seen to bound the site given the distinct separation by the road.

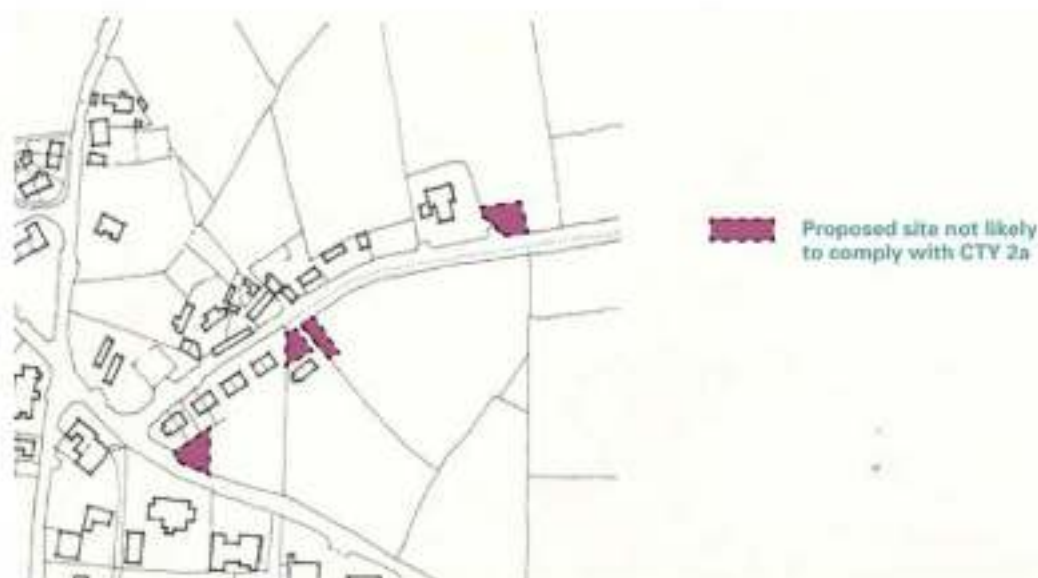
The site is not considered to provide a suitable degree of enclosure and is not bounded on at least two sides by other development as such the proposal does not meet this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The agent argues within the supporting information submitted that the proposal is a rounding off and that it will not intrude into the open countryside. The Planning Department having considered the information feel that the proposal is not a rounding off of an existing cluster, it is considered that if approved the development would alter the character and visually intrude into the open countryside due to its prominent and open nature. The proposal is not a rounding off opportunity but simply an extension of development into the countryside, if approved it could be further argued that another property to the south of the site would be a further rounding off opportunity which would lead to further build up and impact on the character of the rural area.

Supplementary planning guidance Building on Tradition provides guidance on when proposals may and may not be seen as acceptable under Policy CTY2a. The document includes justification including diagrams which show that to be considered acceptable under this policy it is not considered acceptable to simply add to the extremities of existing development as this would in fact add to ribbon development.

The diagram below shows examples of development not considered to be in line with Policy CTY2a, the examples included are very similar to this application in that they are simply added to the end of existing development.



- development would not adversely impact on residential amenity.

It is considered that a single storey dwelling could be designed and orientated on the site so it would not result in an adverse impact on the amenity of the adjacent property No 3 or on the amenity of any other surrounding properties, the proposal is in accordance with this criterion.

The proposal is considered contrary to a number of criteria within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a

prominent feature in the landscape. The site at present is quite open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. The proposal is for outline permission and so there are no details of design, if approval was recommended then conditions could be included to try and ensure any dwelling was of an acceptable design. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated, the site is open and so a dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings. It is considered that the proposal when viewed with No 3 and the dwelling to its north the will add to a ribbon of development. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The proposal (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster does not appear as a visual entity in the local landscape.

-the site does not provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

-the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and would significantly alter its existing character and visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

-the proposed dwelling if approved would be a prominent feature in the landscape;

-the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape;

-the proposed dwelling relies primarily on the use of new landscaping for integration;

and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted be unduly prominent in the landscape

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted create a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson **Date:** 15/11/2023

Authorised Officer: Maria Fitzpatrick **Date:** 16/11/2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1444/F

Date Received: 05.09.2022

Proposal: New public house

Location: 23 Main Street, Camlough.

Site Characteristics & Area Characteristics:

The site located within the development limit for Camlough and within the commercial centre of the village. The site is currently being used as a beer garden, associated to the nearby pub Toals Bar. The surrounding area is commercial in character with a Chinese Takeaway, Hairdressers and kitchen and interiors shop adjoining the site. The site also lies within an archaeological designation.

Site History:

Application Number: LA07/2022/1448/F

Decision: pending

Decision Date: pending

Proposal: Proposed mixed use development with ground floor commercial unit and 9 no. apartments and on-site parking for 14 vehicles

Application Number: P/2014/0907/F

Decision: Permission Granted

Decision Date: 26 February 2015

Proposal: Erection of bar and restaurant

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PPS 3 – Access, Movement and Parking / DCAN 15

PPS 6 – Planning Archaeology and the Built Heritage

PPS 15 - Planning and Flood Risk

PPS 2 – Natural Heritage

DCAN 7 – Public Houses

Planning Strategy for Rural Northern Ireland

Parking Standards

Consultations

SES - 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.

NIEA – No concerns

Environmental Health – recommend conditions for any approval notice.

DFI Roads – no objections in principle on the basis that no additional off-street car parking/ servicing will be required for this proposal.

NI Water – Refusal due to capacity issues – condition offered for surface water.

HED Historic Buildings – satisfies policy.

HED Historic Monuments – satisfactory to policy.

DFI Rivers – no objections raised.

Objections & Representations

3 neighbours notified on 06.10.22 and 1 neighbour notified on 30.11.23. The application was advertised in press on 28.09.2022. No objections or representations received.

Consideration and Assessment:

The planning history of the site notes that the erection of a bar and restaurant was approved on 23rd February 2015 under planning reference P2014/0907/F. However, the policy has changed in that the SPPS was introduced in September 2015 and therefore limited wait will be attributed to the previous approval.

Newry, Moume 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 18/09/2023. This found that the project would not have an adverse effect on the integrity of any European site.

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Camlough village. The plan is silent on the use of the site and therefore decision making is deferred to the retained policies considered below. An area of Archaeological Potential stretches to the front of the site which will be considered in detail below under PPS 6 in consultation with Historic Environment Division.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 6.270 of the SPPS notes that 'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'

Whilst I acknowledge there is no town centre within Camlough, I do, nevertheless, consider it reasonable to suggest a public house is a complementary function of a town centre. The policy provision within the SPPS regarding villages is specific to shops and offers no assistance with Public Houses.

Taking a pragmatic approach given the limited information within the SPPS regarding public houses, the site within an established commercial centre of Camlough, surrounded by primarily other commercial premises is acceptable. Another Public House (Toal's) is located adjacent to the site, and it is noted a public house was previously granted at this location. With the above in mind I consider, on balance, that the proposal is in general compliance with the SPPS.

DCAN 7 – Public Houses / Parking Standards

DCAN 7 notes 'the effects of noise and disturbance, and traffic safety are the main planning considerations in relation to public houses. There may be a number of suitable locations provided that problems of noise can be minimised, and other amenity and traffic

considerations are met. For example, a suitable location for a public house may be on the edge of a residential estate, in an area of mixed land uses or within a neighbourhood shopping centre. However, a public house will not generally be acceptable within a wholly residential area.'

In terms of noise and disturbance the site is not located within a wholly residential area and instead could be described as a neighbourhood shopping area. The immediate area could be more appropriately described as majority commercial and where I would consider the most logical place for a public house within a village settlement to be sited.

The appropriateness of the location of the public house is supported by the consultation response from Environmental Health which despite noting the nearby proposal of apartments (decision pending) has provided mitigating conditions to ensure amenity is not compromised.

Mindful that DCAN 7 was published in 1983, I will defer to the Parking Standards that was most recently updated in 2019. The parking standards require 1 space per 5sqm which equates to approximately 94sqm and 19 parking spaces. Mindful of the commercial location where there is on street and off street parking provision, the likelihood that a significant number of customers will not be driving and the opening hours of the public house which is likely to be busiest when the other commercial properties are closed – on balance I am content with the available parking provision in the immediate area. It is notable within DCAN 7 that an exception may be permissible where patrons are likely to be within a walking distance of the premises. In this instance, the public house will be centrally located with a number of residential developments surrounding, where most patrons are most likely to come from.

Cumulatively, I consider the proposal to be in general compliance with DCAN 7.

Planning Policy Statement 3

DFI Roads has considered the proposal in relation to PPS 3 and has confirmed it has no objections in principle this is on the basis that no additional off-street car parking/ servicing will be required for this proposal. The parking requirements have been considered above under DCAN 7 and The Parking Standards and considered to be sufficient.

The proposal is located adjacent to a protected route. The access to the site cannot reasonably be taken from an adjacent minor road particularly given there is an existing access opposite the site and therefore clarification of Policy AMP 3 Access to Protected Routes is complied with.

Planning Policy Statement 6

Historic Environment Division (Historic Buildings) has considered the proposal in light of its proximity to No. 12 Main Street, Camlough which is a B1 Listed Building. HED has confirmed that the proposal satisfies the requirements of the SPPS para 6.12 and PPS 6 policy BH 11 as the Listed Building is sufficiently removed from the application site and will remain unaffected by the development at the scale proposed. In this context, it therefore poses no greater demonstrable harm than the existing arrangement.

Historic Environment Division (Historic Monuments) was consulted with regard the site location within a designated Area of Archaeological Potential within the extant Area Plan. HED has confirmed it is content the proposal is satisfactory to the SPPS and PPS 6 archaeology policy requirements and that given the previous ground disturbance with the application site there is limited potential to uncover below ground archaeological remains.

Consequently, I am content the proposal is in the general compliance with the policy provisions of PPS 6.

Planning Policy Statement 15

Following consultation with DfI Rivers, the Department has confirmed that policies FLD1, FLD2, and FLD 4 are not applicable to the site. DfI Rivers has confirmed a Drainage Assessment is not required under FLD 3 as the proposal does not breach any of the thresholds.

In terms of FLD 5, 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.

The proposal is in general compliance with PPS 15.

Planning Policy Statement 2

A Biodiversity Checklist and a Bat Roost Potential Report was received from the agent and subsequently forwarded to NIEA for consideration. NIEA has confirmed on receipt of these reports it has no concerns with the proposal. I am content the proposal will not offend any of the policies contained within PPS 2.

Planning Strategy for Rural Northern Ireland

Policy DES 2 is applicable to the proposal which requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

In terms of the development and design, the proposal takes in a two storey dwelling just under 9m high which is designed at a first glance similar to a traditional dwelling with a chimney on the ridge. The design is similar to the character along the existing streetscape and the 0.77m increase in height from the adjoining property is not considered fatal to the overall scheme. The finishes are of a high quality and compliment the traditional design of the proposal. The scale of the proposal is not overbearing and consistent with the built development in the area despite occupying a relatively narrow site.

The land use as noted above under the SPPS and DCAN 7 is considered acceptable. Amenity has been considered by Environmental Health and I consider the conditions recommended by EH to manage any negative impacts on surrounding amenity. The proposal seeks a bar and lounge on the ground floor with storage on the first floor which ensures the premises can be used by those with physical disabilities. Cumulatively, I consider the proposal to be consistent with the general thrust of policy DES 2 of the PSRNI.

NI Water Response.

NI Water has confirmed there is available capacity in WWTW to service the proposal, however there is network capacity issues in the public foul sewer and NI Water recommend refusal until agreement is reached between the applicant and NI Water.

There is water supply within 20m of the site and whilst there is no surface water sewer within 20m of the site, NI Water recommend a negative condition to deal with this aspect.

Whilst there is notable capacity issues within the public foul sewer system, it is noted the agent has engaged with NI Water and is in receipt of a Solution engineer Report from NI Water. I therefore recommend the application proceeds to Planning Committee with a negative condition regarding a connection to the sewer network being agreed by NI Water prior to the commencement of development.

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; 1767-02A, 1767-03A, 1767-05 and 1767-04.

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

3. The Public House hereby approved shall only be operational between the hours of 11:00am to 1:00am. All deliveries shall only be received between the hours of 11:00am and 4:00pm.

Reason: To protect neighbouring amenity.

4. No outdoor entertainment is permitted at any time. Internal entertainment shall include appropriate noise mitigation measures as to not cause disturbance to nearby sensitive receptors.

Reason: To protect neighbouring amenity.

5. Kitchen, cooking facilities or odour abatement systems are not permitted at any time.

Reason: To protect neighbouring amenity.

6. No noise producing equipment shall be located outside the fabric of the building. Any Mechanical extraction systems shall be fitted with acoustic attenuation.

Reason: To protect neighbouring amenity.

7. Bin storage shall be as shown on Drawing 1167-03A Proposed Floor Plans dated May 22.

Reason: To ensure there is adequate bin storage to protect the environment and neighbouring amenity.

8. The development hereby approved shall not proceed beyond sub-floor construction until a suitable dedicated surface water solution has been agreed upon.

Reason: To ensure a practical solution to the disposal of surface water from this site

9. 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 Planning Authority in consultation with NIW.

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

10. No part of the development hereby permitted shall be occupied or implemented until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 9, have been fully constructed and implemented by the developer. The development hereby approved shall be carried out in accordance with the approved details, which shall be retained as such thereafter.

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

Informatives

1. This permission does not cover any proposed signage, a separate application for a consent to advertise is required for any such signage.

Case Officer: Ashley Donaldson 10/01/2024

Authorised Officer: Maria Fitzpatrick 19.01.2024



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

Application Reference: LA07/2021/1427/O

Date Received: 09.08.2021

Proposal: Site for housing development with new road access and associated siteworks.

Location: site at and directly adjacent (North and West) to no. 24 Nursery Drive Daisy Hill, Newry, BT35

Site Characteristics & Area Characteristics:

The site takes in a triangular portion of land within the Development Limit for Newry City which fronts on to Nursery Drive in the larger Carnagat Housing Estate. The site holds a single storey dwelling with an adjacent and associated yard and storage buildings. The site is located in at the edge of the development limit in close to the A1 within a high density residential area.

Site History:

Application Number: P/1993/0706 Decision: Permission Granted Decision Date:
 Proposal: Extension to dwelling

Application Number: P/1997/1383 Decision: Permission Granted Decision Date:
 Proposal: Extension to Dwelling

Application Number: P/1996/0366 Decision: Permission Granted Decision Date:
 Proposal: Erection of bungalow

Application number: p/1976/0299 decision: permission granted decision date:
 Proposal: proposed alterations and extension to existing dwelling

Application number: p/1985/0806 decision: permission granted decision date:
 Proposal: extension and improvements to dwelling

Application number: p/1986/1202 decision: permission granted decision date:
 Proposal: alterations and extension to dwelling

Application number: p/1985/0384 decision: permission granted decision date:
 Proposal: extension and improvements to dwelling

Application Number: P/2007/1147/F Decision: Permission Granted Decision
 Date: 16 February 2009
 Proposal: Erection of replacement dwelling.

Application Number: LA07/2019/0629/F Decision: Permission Refused Decision
 Date: 25 November 2020
 Proposal: 4 no. 1 bed apartments

Planning Policies & Material Considerations:

Planning Act NI 2011
 SPPS – Strategic Planning Policy Statement for Northern Ireland
 Banbridge Newry and Mourne Area Plan 2015
 PPS 12 – Housing in Settlements
 PPS 7 – Quality Residential Environments – Policy QD 1
 PPS 15 – Planning and Flood Risk
 Planning Policy Statement 2 – Natural Heritage
 PPS 3 / DCAN 15 Access, Movement and Parking.
 APPS 7 – Safeguarding the Character of Established Residential Areas.
 Planning Strategy for Rural Northern Ireland
 Creating Places
 DCAN 8

Consultations:

DFI Roads – following amendments no objections in principle subject to compliance with the attached condition.
 NI Water – Refusal recommended. Available capacity in WWTW, foul sewerage network has reached capacity and capacity issues with the public water surface sewer.
 DFI Rivers – proposal does not offend any policy criteria of PPS 15.
 Environmental Health – no objection, subject to implementation of recommendations contained within the NIW Solutions Report.

Objections & Representations

37 neighbours notified on 08.08.2022 and the application was advertised in the press on 07.07.2020. 10 objections received.

Areas of objection.

1. Lack of space in small cul-de-sac
2. Would cause adverse traffic issues.
3. Would invade residents' privacy.
4. Additional homes will increase noise pollution.
5. Area already overdeveloped with recent approvals.
6. Infrastructure and sewerage are already a major problem in the area.
7. 2 bungalows had to be knocked down on this ground to build Newry bypass so construction of a housing development would not be valid.

Consideration and Assessment:

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Newry City where there is no designation on the land use and the Plan remains silent on the proposed use of the

site. Decision making is therefore deferred to the retained policies considered in detail below. The proposal is in general compliance with the Area Plan.

PPS7/SPPS/PSRNI/PPS12

With no distinct differences between the SPPS and PPS7 and PPS7 being the more prescriptive text, the lead policy consideration for the application will be policy QD1 of PPS7. New housing in settlements will be expected to meet the criteria tests (a-i) of policy QD 1 as discussed below;

- (a) The surrounding area is predominately residential and therefore the principle of a dwelling at this site is consistent with the character of the area. The topography of the site is relatively flat and it is anticipated that the layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas can be appropriately assessed at RM stage.
- (b) There are no known features of archaeological and built heritage associated with the site. Any decision notice can include a condition to ensure the natural boundaries of the site are retained where practicable.
- (c) This policy criterion would be considered in detail at RM stage however I am content that adequate public and private open space could be accommodated at this site.
- (d) Not applicable given the site's close proximity to the city centre.
- (e) A movement pattern will be considered in detail at full plans stage when the proposed layout becomes clear, DFI Roads has no objections to the proposal.
- (f) Adequate provision for parking will be considered in detail at full plans stage when the proposed layout becomes clear, however I anticipate enough space to accommodate car parking.
- (g) Form, materials and detailing will be assessed at full plans stage and are matters reserved.
- (h) The design and layout of the proposal will be assessed in detail at full plans stage and are matters reserved. I am content the site is situated far enough from surrounding properties so as not to compromise private amenity. This will be safeguarded during the assessment of the RM application where private amenity will also be a material consideration. I do not consider a residential land use to conflict with the surrounding land uses which are in the vast majority, residential.
- (i) The development will be expected to be designed in a way that deters crime and again this will be assessed in greater detail at full plans stage.

The proposal is in general compliance with PPS 7 QD1, DCAN 8 and Creating Places.

The applicable policies of PPS 12 and PSRNI are also considered to be satisfied insofar as practicable at Outline stage. The specific criteria of these policies will be assessed in greater detail at full plans stage, where the policy requirements are expected to be met.

Addendum to PPS 7

Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity

- (a) As the proposal is for Outline permission, the number of units are not yet known. However, I am confident the number of units will be assessed at RM stage to ensure the site does not contain a higher density of development than that found in the established residential area.
- (b) The pattern of development is consistent with the surrounding area which includes large swathes of medium/high density dwellings surrounded by pockets of open space.
- (c) The size of residential units will be assessed in detail at RM stage.

The proposal is in general compliance with The Addendum to PPS 7.

Planning Policy Statement 15

DFI Rivers has been consulted as part of the application. The Department has confirmed policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application. DFI Rivers has confirmed a Drainage Assessment is not required under policy FLD 3 which leaves any responsibility for flood risk with the developer. The proposal is therefore compliant with PPS 15.

Planning Policy Statement 2

A Biodiversity Checklist has been submitted during the processing of the application. In consideration of the checklist and a site visit I am content that the proposal is unlikely to have a significant adverse impact on protected species or habitats and is in general compliance with PPS 2.

Planning Policy Statement 3

DFI Roads has considered the application with regard to PPS 3 and DCAN 15. Following amended plans, the Department has no objection to the proposal subject to compliance with attached conditions. I concur with this position and am content that proposal is in general compliance with PPS 3 and DCAN 15.

The application has been considered against a Habitats Regulation Assessment. Given the nature and the location of the proposed site with an adequate curtilage buffer separating it from any local watercourses, it's unlikely that there will be any significant impacts on the site features/conservation objectives of any European site, and further assessment is not required.

Response to Objections

1. The space will be assessed at RM stage to ensure there is enough space for each dwelling according to prevailing policy and guidance. There is no evidence to suggest at this stage, that this is not achievable.

2. DFI Roads has been consulted regarding roads safety and traffic and have concluded there are no objections subject to compliance with the attached conditions.
3. The privacy of neighbours will be considered in detail at RM stage when the design and positioning of the proposed dwellings are available for analysis.
4. There is no obvious reason why additional homes would increase noise pollution. There will of course be construction noise during the build, however this is a common occurrence which will be regulated by working times and not a sound reason for refusal.
5. There is no evidence to suggest the area is overdeveloped to the point where this site is undevelopable. This is not a sound reason for refusal.
6. DFI Roads has no objection to the infrastructure required to service the development. Whilst issues remain on-going with the NI Water and the sewerage infrastructure, a negative condition could be added to ensure work does not commence until an agreed sewerage disposal method has been accepted by NI Water.
7. There are no further details on this and does not correspond to a material reason to withhold permission.

NI Water has advised there is available capacity in WWTW, the foul sewerage network has reached capacity and capacity issues with the public water surface sewer. The agent has submitted a NI Water Solutions Report. With this in mind, a negative condition to ensure a connection to the foul sewer network agreed by NI Water can be imposed prior to the commencement of development.

Recommendation:

Approval

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Site Layout: The layout of the overall development including buildings, roads, private and open space, hard surfaced areas and all associated development.

The number of residential units on the site.

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

3. Full particulars, detailed plans and sections of the reserved matters required in Condition 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The development hereby permitted shall take place in strict accordance with the following approved plan; 752-001 REV D.

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

5. 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

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

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

7. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be

constructed and other requirements in accordance with the attached form RS1. The access shall be constructed in accordance with the approved plan prior to the commencement of any other development.

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

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

Reason: To ensure the dwellings integrate into the landform and ensure resident's privacy is not adversely affected.

9. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

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

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

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

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

12. The ridge height of the proposed dwellings shall not exceed 8 metres above finished floor level.

Reason: To ensure that the development is not prominent in the streetscape.

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

Reason: To prevent pollution and to ensure public safety.

14. A detailed Landscape Management & Maintenance Plan shall be provided and agreed in writing by the Planning Authority prior to the occupation of the development. The Landscape Management Plan shall be implemented as approved.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long-term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

If a management company is proposed to be used / employed, it shall be demonstrated what fall-back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Outdoor Recreation.

Reason: To ensure the successful establishment and long-term maintenance of public open space and landscaping in the interests of visual and residential amenity.

15. No part of the development hereby permitted shall be occupied or implemented until the drainage arrangements, agreed by NI Water and as required by Planning Condition 5, have been fully constructed and implemented by the developer. The development hereby permitted 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.

Case Officer: Ashley Donaldson 12.01.2024

Authorised Officer: Maria Fitzpatrick 19.01.2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3447/F

Date Received 06.10.2023

Site Address: Lands East of the (A1) Belfast Dublin Dual Carriageway (Southbound) Off Slip signposted towards Newry/Craigavon (A27) and Armagh (A28) at Newry. Lands are South of the link road connecting the (A27) Tandragee Road and (A28) Armagh Road, approximately 300m West of the (A27) Tandragee Road/Carnbane Road/Shepherds Way Roundabout, Newry.

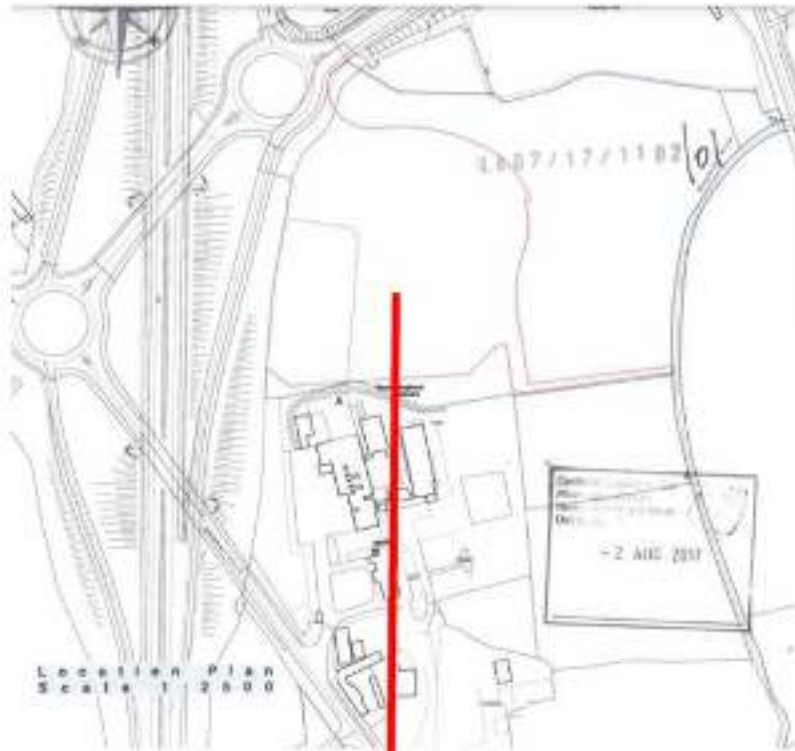
Proposal: To vary condition No. 18 of planning permission LA07/2017/1182/F which reads: "Prior to commencement of development, works for the disposal of foul and storm sewage shall be provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Planning Authority to the satisfaction of Northern Ireland Water or other relevant authority.

Proposed amended text for this condition: Prior to commencement of development details of the method of foul and storm sewage disposal shall be submitted to the Planning Authority for agreement. Prior to occupation of the development the disposal of foul and storm sewage shall be provided on site to serve the development hereby permitted in accordance with the approved details and to the satisfaction of Northern Ireland Water or other relevant authority.

1.0 SITE AND AREA CHARACTERISTICS:

- 1.1 The application site comprises existing agricultural land in the open countryside, immediately to the north of the former Good Shepard Convent and 170m west of the settlement of Newry City.
- 1.2 It fronts onto the Armagh Road, the Tandragee Road and the Roundabout, which provides access to the slip ways to and from the dual carriageway.

- 1.3 It forms the south western portion of a much larger roadside agricultural field. Its northern and eastern boundaries are open to the remainder of the field. Its remaining western and southern boundaries have intermittent vegetation.
- 1.4 The application is quite open in the landscape, particularly when viewed from the adjacent road network and the motorway.



2.0 PLANNING HISTORY:

2.1 Site History:

- **LA07/2023/3287/DC** - Discharge Condition 2 - No site works of any nature or development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme shall provide for the identification and evaluation of archaeological remains within the site, for the mitigation of the impacts of development, through excavation recording or by preservation of remains, and for the preparation of an archaeological report – **Under Consideration**
- **LA07/2017/1182/F** - Strategic Roadside Service Facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation works. **Permission Granted 04.11.2019**
- **LA07/2017/0539/PAN** - Strategic roadside service facility incorporating bus terminus, petrol station, shop and restaurant services, child play area, picnic area, car, coach and lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation works.
- **LA07/2016/1499/PAN** - Strategic roadside service facility incorporating park and ride/park and share car parking, bus terminus, petrol station, shop and restaurant services, child play area, picnic area, car wash, car, coach and lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction, excavation works. PAN required (Application site).
- **LA07/2016/0962/PAD** - Pre application discussion for proposed carriageway service area and park and ride at Newry.

2.2 Relevant surrounding history:

Adjacent and South of site:

- **P/2003/0176/F** - Partial Demolition of Existing Buildings and Erection of Replacement Residential Rehabilitation Centre Cuan Mhuire, 132 Armagh Road. **Permission Granted 14.03.2003**
- **P/1999/1567/F** - Alterations and extension to Rehabilitation Centre, including the extension of security fence, **Permission Granted 21.03.2000**

North-East of application site:

- **P/1992/1191/F** - Site for Special School 60m NW of Cambane Gardens, Tandragee Rd, Newry. Refused 03.03.1993

3.0 CONSULTATIONS:

Given the nature of application, consultation with consultees (including NI Water) is not considered necessary.

4.0 OBJECTIONS & REPRESENTATIONS

- Application was advertised in local press on 25th October 2023 (statutory expiry 8th November 2023)
- 1 neighbouring building was notified of the application on 18th January 2024 (132 Armagh Road,) with statutory notification expiry on 1st February 2024;
- 0 objections or representations have been made at the time of writing (Jan 2024)

5.0 PLANNING POLICY, GUIDANCE AND OTHER CONSIDERATIONS

- The Planning Act (Northern Ireland 2011) – Section 54
- The Environmental Impact Assessment Regulations Northern Ireland 2017
- The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)
- The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015)
- PPS15 (Revised) – Planning and Flood Risk (Policy FLD3)
- PPS21 – Sustainable Development in the Countryside (Policy CTY16)
- DCAN10 (Environmental Impact Assessment)

6.0 CONSIDERATION AND ASSESSMENT:

6.1 Background to application:

The principle for development has been established by virtue of planning approval LA07/2017/1182/F, with the relevant planning policy and guidance considered, as detailed within the approved planning report. Matters relating to policy will not be revisited in this assessment, as this planning permission remains extant.

6.2 The applicant has subsequently submitted a Section 54 application to amend the wording of condition 18 which was attached to the original approval LA07/2017/1182/F.

6.3 Environmental Impact Assessment (The Planning EIA Regs. (NI) 2017, DCAN 10)

An EIA screening determination has been completed for the application, whereby the Council determined on 23rd January 2023 that an Environmental Statement is not required for this application. A subsequent letter was issued the agent confirming the same.

- 6.4 The Planning Act (Northern Ireland) 2011:
Section 54 of the 2011 Act allows for an application to be made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- 6.5 In considering an application made under section 54, the Planning Authority which granted the previous planning permission must consider only the "question of the conditions" subject to which planning permission should be granted (section 54(3).) in this case condition 18 of planning approval LA07/2017/1182/F.
- 6.6 Banbridge, Newry & Mourne Area Plan 2015 (BNMAP):
Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, insofar as material to the application, and to any other material considerations.
- 6.7 The site is located in a rural area, as identified by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP.) The proposed variation of Condition 18 will not prejudice the requirements of the Area Plan, as previously assessed under the requirements of the Banbridge/ Newry and Mourne Area Plan 2015 in the assessment of LA07/2017/1182/F.
- 6.8 Issues for consideration within this assessment include: impact on sewerage and drainage infrastructure (including flood risk,) in addition to impact on public health and residential amenity; these are considered below.
- 6.9 SPPS and PPS15 (Planning and Flood Risk) Requirements:
Condition 18 of approval LA07/2017/1182/F relates to works for the disposal of foul and storm sewage. Under the previous assessment, the proposal was assessed under PPS15, in consultation with DfI Rivers Agency, with Policy FLD3 applicable to the site and application details.
- 6.10 An amended Drainage Assessment was submitted to and approved by DfI Rivers Agency as part of this planning approval. This included a Schedule 6 Consent from DfI Rivers Agency to discharge surface water into Bessbrook River.
- 6.11 The proposed re-wording of condition 18 would not prejudice the approved drainage details. It is noted that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the planning assessment under LA07/2017/1182/F) rests with the developer and his/her professional advisors (in accordance with section 5.1 of Revised Planning Policy Statement 15).

6.12 SPPS and PPS21 (Sustainable Development in the Countryside) and sewerage infrastructure:

Under Policy CTY16, permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

6.13 In those areas identified as having a pollution risk, development relying on non-mains sewerage will only be permitted in exceptional circumstances.

6.14 NI Water's comments in the consideration of LA07/2017/1182/F are relevant to this consideration. NIW Consultation response dated 10th September 2017 offers the following site specific comments, with standard conditions attached:

- WATER SUPPLY: No public water supply within 20m of your proposal, the Developer is required to consult with NIW and may wish to requisition a watermain to serve the proposed development.
- SURFACE WATER: Applicant proposes to discharge foul sewage to private treatment plant.
- FOUL SEWERAGE: Applicant proposes to discharge surface water to Bessbrook River.

6.15 Further to this response, the Planning Department were issued a copy of Pre-Development Enquiry comments from NIW (dated 14th December 2017,) outlining the following (valid for 12 months:)

- There are existing public watermains along Armagh Road (approx. 100m from the site) and Tandragee Road (approx. 50m from the site) to which the development can connect, subject to quantity and flow rate required;
- **There is no foul sewer available to serve the proposal;**
- **There is no public storm sewer available to serve the proposal (options for Schedule 6 consent from DfI Rivers Agency to discharge storm water to a watercourse or alternatively requisition a storm outfall sewer with NIW)**
- **Receiving WwTW has capacity to serve the development, however the proposal is located 300m from the catchment.**

6.16 It is noted that NIW did not prior to the approval raise any concerns in relation to the proposed discharge of surface water into Bessbrook River or use of private treatment plant to deal with sewerage requirements. The proposed implementation of foul and surface water infrastructure prior to occupation of the development approved in lieu of 'prior to commencement' of development

would not jeopardise the requirement to still submit details of the method of foul and storm sewage to the Planning Authority for agreement (in consultation with NIW) prior to commencement of development. It does not seem unreasonable to permit the proposed re-wording of condition 18 in this regard, as it would not compromise the requirements of NIW or the Planning Authority overall.

6.17 SPPS and Public Health / Residential Amenity:

Condition 18 is necessary to ensure that there is an appropriate method of foul sewerage and storm water disposal from the development, which is satisfactory to NIW (or other relevant authority) requirements. This is to prevent any impact on existing foul and drainage infrastructure as a result of this development, which could potentially impact on surrounding residents (and their drainage infrastructure) and ultimately impact on public health.

6.18 Environmental Health having been consulted during the assessment of LA07/2017/1182/F did not raise any objections in relation to the use of the private foul sewerage treatment plant.

6.19 DAERA's Water Management Unit (NIEA) having also considered the impacts of the proposal on the surface water environment and on the basis of the information provided, were content with the proposal conditional to the applicant referring and adhering to standing advice and any relevant statutory permissions being obtained (includes discharge consent from NIEA under the terms of the Water (NI) Order 1999 for the discharge of sewage effluent from the proposed development.) The requirements of DAERA WMU are covered by Condition 18.

6.20 As noted above, the proposed re-wording of condition 18 (i.e. implementation of foul and surface water infrastructure prior to occupation of the development approved in lieu of 'prior to commencement' of development,) would not change the requirement to submit details of the method of foul and storm sewage to the Planning Authority for agreement (in consultation with NIW) prior to commencement of development nor would it alter the details that are required. In this regard, the proposed amendment would not compromise the requirements of condition 18 which are necessary to protect public health or residential amenity, in accordance with Para 6.91 of the SPPS.

7.0 RECOMMENDATION: Approval

7.1 Summary Recommendation:

- The Planning Department has considered the objections submitted in relation to the planning application.
- The development of the site as approved under LA07/2017/1182/F will not be prejudiced by the variation of condition 18, as proposed.
- As this is a Section 54 application, all other conditions of approval LA07/2017/1182/F remain applicable / unchanged, unless otherwise discharged. This includes the original time limit under condition of approval LA07/2017/1182/F, with the permission expiry date (3rd November 2024) remaining unchanged.
- It is noted that at the time of writing, planning records show one application has been made to discharge condition 2 of planning approval LA07/2017/1182/F (application reference LA07/2023/3287/DC,) which remains under consideration. Therefore all other conditions attached to LA07/2017/1182/F will apply and will be included on this decision notice.
- In this context and for reasons set out within the planning report above, it is recommended to approve this Section 54 application, subject to the conditions below being complied with.
- Planning condition 18 of LA07/2017/1182/F will now read as:

18. "Prior to commencement of development details of the method of foul and storm sewage disposal shall be submitted to the Planning Authority for agreement. Prior to occupation of the development the disposal of foul and storm sewage shall be provided on site to serve the development hereby permitted in accordance with the approved details and to the satisfaction of Northern Ireland Water or other relevant authority.

Reason: In the interests of public health."
- For the avoidance of any doubt, a full list of planning conditions hereby relating to LA07/2017/1182/F is outlined below.

8.0 PLANNING CONDITIONS RELATING TO PLANNING PERMISSION GRANTED BY VIRTUE OF APPLICATION REFERENCE LA07/2017/1182/F:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of grant of planning permission LA07/2017/1182/F.

Reason: As required by sections 54(5) and 61 of the Planning Act (Northern Ireland) 2011.

2. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme shall provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

3. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

4. The net retail sales area of the development hereby approved on the ground floor shall not exceed 212 sqm as indicated on drawing No. 09 REV1 dated stamped 29th September 2017. The net retail floorspace hereby approved shall be used only for the retail sale of convenience goods and for no other purpose, including any other purpose in Class A1 of the schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Convenience goods for this purpose are hereby defined as; -

- a) Food, drink and alcoholic drink;
- b) Tobacco, newspapers, magazines, confectionary;
- c) Stationary and paper goods;
- d) Toilet requisites and cosmetics;
- e) Household cleaning materials; and
- f) Other retail goods as may be determined in writing by the Planning Authority as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

No internal operations shall be carried out to increase the net retail floorspace for retail use without the prior written consent of the Planning Authority. No retail

unit shall be subdivided or otherwise modified or amalgamated to create fewer units.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location in line with the Department's policies on retailing and town centres. To enable the Planning Authority to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres. To ensure the comparison functions of existing centres are not adversely affected by this development.

5. The hot food sales area of the development hereby approved on the ground floor shall not exceed 110sqm as indicated on drawing No.09 REV1 date stamped 29th September 2017.

No internal operations shall be carried out to increase the net hot food sales floorspace for any other use without the prior written consent of the Planning Authority.

Reason: To enable the Planning Authority to retain control over the nature, range and scale of proposals hereby approved.

6. The development hereby approved on the ground floor shall be in accordance with drawing No. 09REV 01 bearing the date stamp 29th September 2017, and with the exception of the hot food sales area and retail sales area, remaining floorspace shall only be used for ancillary seating area, public convenience area, ancillary storage, ancillary offices and ancillary circulation space to the ground floor shop and not for any retail use.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location in line with the Department's policies on retailing and town centres. To enable the Planning Authority to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality of existing retail centres. To ensure the comparison functions of existing centres are not adversely affected by this development.

7. No internal operations including the installation of mezzanine floors shall be carried out to increase the net retail floor space available for retail use without the prior consent of the Planning Authority.

Reason: To enable the Planning Authority to retain control over the nature, range and scale of retailing activity at this location.

8. No goods, merchandise or other materials shall be stationed or displayed on or about the forecourt of the premises.

Reason: To safeguard the visual appearance of the premises and of the area generally.

9. No other development hereby permitted shall become operational until the road works indicated on Drawing No. 28 bearing the planning date stamp 17th

September 2018 have been fully completed in accordance with the approved plans.

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

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

The Department hereby determines that the width, position and arrangement of the streets and the land to be regarded as being compromised in the streets, shall be as indicated on Drawing No. 28 bearing the date stamp 17th September 2018.

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

11. The development hereby permitted shall not become operational until a Travel Plan has been submitted to the Planning Authority and agreed in writing to the satisfaction of Transport NI in accordance with the approved Travel Plan framework.

Reason: To facilitate safe access to the site by means other than the private car and the servicing of the site in the interests of road safety and traffic progression.

12. The development hereby approved shall operate in accordance with the Service Management Plan as detailed in section 5 of the Transport Assessment.

Reason: To ensure the adequacy of the service facilities in the interests of road safety and traffic progression.

13. No retailing or other operation in or from any building hereby permitted shall commence until hard surface areas have been constructed and permanently marked in accordance with the approved drawing No. 07 bearing the date stamp 11th May 2018 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard-surfaced areas shall be used for any purpose at any other time than for parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

14. A suitable buffer of at least 10 metres must be maintained between the location of machinery refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil and the Bessbrook River and adjacent tributaries.

Reason: To protect the hydrologically connected European Sites from any adverse impacts during construction.

15. Prior to discharge to adjacent watercourses, surface water generated during construction phase must first pass through sediment traps and hydrocarbon interceptors.

Reason: To protect the hydrologically connected European Sites from any adverse impacts during construction.

16. All plant and equipment used in connection with the premises shall be situated, operated and maintained to prevent the transmission of noise, vibration and odours to nearby dwellings.

Reason: In the interests of residential amenity.

17. All flood lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare to spill. Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Engineers, Regent House, Regent Place, Rugby, Warwickshire, CV21 2PN

Reason: In the interests of residential amenity

18. Prior to commencement of development details of the method of foul and storm sewage disposal shall be submitted to the Planning Authority for agreement. Prior to occupation of the development the disposal of foul and storm sewage shall be provided on site to serve the development hereby permitted in accordance with the approved details and to the satisfaction of Northern Ireland Water or other relevant authority.

Reason: In the interests of public health.

19. The existing natural screenings of this site 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 prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screenings to the site.

20. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

21. During the first available planting season after the occupation of the development hereby approved, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with Drawing No. 05 dated 2nd August 2017 and the Proposed Landscaping and

Management Plan (Drawing No. 31) received on the 2nd August 2017 and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

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

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

Case Officer Signature: O. Rooney

Date: 24/01/2024

Appointed Officer Signature: P. Manley

Date: 24.01.24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1089/F

Date Received: 16.07.18

Proposal: Proposed Housing Development consisting of 16 Units (6 no. Detached and 12 No. Semi-detached), landscaping proposals and associated site works.

Location: South east of St Marys Primary School, Old Grand Jury Road, Saintfield Parks, Saintfield

Site Characteristics & Area Characteristics:

The site comprises of approximately 0.93 hectares located to the S of St. Marys Primary School. Situated to the W of the Crossgar/Old Grand Jury Rd within the urban settlement of Saintfield.

The site comprises of undulating land which rises from the road in a westerly direction to an area with whinn bushes, marshy land and rocky outcrops. Boundaries of the site are defined mainly by hedging, stone walls and fir trees.

The surrounding area is generally defined by chalet bungalows in the Old Grand Jury Manor estate. Two storey dwellings along Old Grand Jury Rd and Rowallane Gate and St Marys Primary school.

Development within the immediate area is characterised by detached and semi-detached properties with one-and-a-half dwellings found at Old Grand Jury Manor Estate (NW), two storey dwellings along the Old Grand Jury Road (N and E) and Rowallane Gate (NE). External finishes comprise of a mix of render and brick with black/ dark grey concreted roof tiles.

Immediately west and adjacent to the site is an existing primary school, with predominately residential housing located N of the site. The site is located to the S of the settlement of Saintfield as designated within the Ards and Down Plan 2015.



Site Location



Aerial view

Relevant Site History:

Application Site:

R/2012/0276/RM - Proposed Housing Development consisting of 20 No Units (6 No Detached, 14 No Semi-Detached), landscaping proposals and site works. (amended drawings). Granted 05.11.14 (Application site)



R/2006/1109/O - Housing development @ minimum density of 20 dwelling per hectare i.e.18 + dwellings. (amended plans). Granted (Application Site)

Adjacent Site History:

R/2004/1497/F - Proposed housing development (5 townhouses). Amended roads layout. Granted (Existing dwellings adj and NE)

R/2013/0459/F - Proposed replacement of existing play group Nursery unit. Granted (Adjacent and NW)

R/2010/0578/F - 6 No semi-detached dwellings with integral garages, access and associated site works (minor amendment to previous approval R/2009/0664/F). Granted (Existing dwellings adj and NE)

R/2000/1172/F - Extension to provide a new office, foam mat store, PE equipment store and table/chair store. Granted. (Adjacent and NW)

R/2003/0884/F - Construction of new classroom accommodation, staff room and ancillary accommodation and removal of 2no temporary classrooms and provision of hard play areas. Granted. (Adjacent and NW)

R/2008/0480/F - Proposed 6 no. semi-detached dwellings with integral garages, access and associated siteworks. (Adjacent and NE)

R/2001/0703/F - Nursery Unit. Granted (Adjacent and NW)

R/2001/1000/F - Provision of a new car park within the existing site and new pedestrian access. Granted. (Adjacent and NW)

R/1990/0982 - Alterations and extension and additional temporary classroom. Granted. (Adjacent and NW)

R/1988/0695 - Temporary Classroom. Granted. (Adjacent and NW)

Planning Policies & Material Considerations:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards

Consultations:

- Transport NI (10.11.22) – No objections subject to conditions.
- EH (04.04.22) – No objection in principle subject to the following amendments being incorporated into the application:
 1. Site 1 is to be omitted to achieve as a minimum distance of 15m between the closest point of the waste water treatment plant and any residential property, as per Drawing No. C01 Revision G Project No. 1818.
 2. Waste water treatment plant maintenance should be that provided by the applicant on 15/09/2020 Waste Water Service Guide – FM Environmental Ltd.
 3. Environmental Health has received complaints about the capacity of the sewage network in this area. If long term this development wishes to be connected to the main sewer line NI Water should make comment on the adequacy of the current system for connection.
 4. The installed plant should be as per submission by applicant on 29/05/2020 titled Kee NuDisc specification

Site 1 has been omitted from plans with 15m separation form the treatment plant and nearest dwelling, WWT Plant can be conditioned to be maintained. Negative conditions applied so that sewerage infrastructure is in place prior to commencement of development.

- NIW (06.07.20) – Public water supply and foul sewer within 20m of proposal.
There is no surface water sewer. Capacity at WWTW.
 - SES (27.08.20) - The proposal would not be likely to have a significant effect on the features of any European site.
 - Rivers (01.07.20) - DfI Rivers PAMU have no objection to the amended proposal plans. The contents of our previous letters dated 3/9/2018 and subsequently 21/11/2018 regarding the accepted attenuation proposals and discharge rates of surface being limited to greenfield run-off rate water still apply.
- Rivers Agency (01.07.20) – No objection to amended proposals. (Consultation 21.11.18 acknowledged a schedule 6 consent included)
- NIEA Water Man (16.06.20) - Content with the proposal subject to conditions
 - NIEA Heritage (23.03.19) - No concerns subject to conditions.

Objections & Representations:

- 40 Neighbours notified.
- The application was advertised July 2018, December 2018, June 2020, September 2020, November 2020 and March 2021 – This was due to several amendments

during the course of processing with a reduced scheme for 16 units as the latest proposal as amended in February 2021.

- 32 representations received between August 2018 and March 20201

Issues:

- **Increased traffic along Old Grand Jury Rd/ Road Safety/ Parking/ Additional cars using entrance to school**

Transport NI in their consultation response dated 10.11.22 have raised no issues of concern.

- **Loss of privacy**

Proposed dwellings are set well back from surrounding properties that there no issues in relation to loss of privacy.

- **Loss of view**

Entitlement to view is not a planning consideration.

- **Loss of daylight**
- **Overshadowing**

Given the distance of proposals there is no prospect of overshadowing or loss of day light.

- **Increased noise and disturbance**

EH in their consultation response dated 30.11.20 have raised no issues of concern.

- **Sewerage issues**
- **Overflowing sewer in the road**
- **Storm drain, and sewer can't cope**

The agent has provided a sewerage treatment plant on site and has also engaged with NIW in relation to a Waste Water Impact Assessment. Although this is not concluded the Planning Department is satisfied that evidence has been shown that engagement has taken place in order to find a solution.

Notwithstanding this, and to maintain a precautionary approach in relation to matters pertaining to sewerage the Planning Department will also include negative conditions to ensure that development has not commenced until infrastructure is delivered and will not become operational until full consent is obtained from NIW.

- **No details of levels within the site**

Existing and proposed finished floor levels have been detailed on submitted plans and are available on the public portal.

- **Last green space within the settlement**

The site is not protected open space and is contained within the development limits of the settlement whereby there is an emphasis on development within an urban setting

- **Impact to wildlife**
- **Red kites (objection received 03.08.18)**

NIEA in comments dated 12.03.19 have raised no issue of concerns.

- **Drainage problems within the area**
- **Concerned with development overloading surface water sewer**

The developer has consent for discharge of surface water as confirmed by Rivers Agency on 01.07.20.

- **Plans inaccurate and ordnance survey maps out of date by not showing Rowallane Gate**

The Planning Department is satisfied with the information relating to the application site and there is no requirement to show development beyond the application site.

- **Overlooking**
- **Development on elevated ground will overlook Rowallane Gate**

Buffer planting has been located to the rear of 1-6 Rowallane Gate and adj to No. 33. The proposed road and dwellings are set back from adjacent dwellings and a long with screen planting will avoid any direct overlooking into these properties.

- **Flooding**

Rivers Agency in their consultation response dated 01.07.20 have raised no issues of concern.

- **Strict conditions during construction including a parking plan and high boundaries to stop dust/ dirt on properties**

All properties have incurtilage parking and additional loop parking area has been provided close to the school to ensure adequate parking and access arrangement for the existing school.

Construction works is likely to be short-lived however it is up to the developer to ensure that the site is adequately managed during this period.

- **Pollution during construction**

The developer is responsible for statutory obligations in relation to pollution control. Consultees have raised no issues of concern in relation to this matter.

- **Number of houses overbearing/ intrusive**

The development is reduced from 20 houses as originally approved (R/2012/0276/RM) to 16 dwellings and offers better spatial arrangement than the previous scheme that there are no overbearing or intrusive issues.

- **No. 33 Old Jury Rd was not notified**

Notified 12.03.21

- **Impact of development upon No 1 rowallaane gate**

There is no change in position of the nearest dwelling to that approved under R/2012/0276/RM. The existing dwelling has gable windows at non-habitual rooms with the proposed house type having the same that there will be no direct impact upon amenity.

- **Inappropriate location for sewerage plant**

The sewerage plant has been located at the furthest point away from properties to avoid impact to amenity.

- **No dedicated pedestrian access to school**

- **Plans show and expand parking area this is outside the school gates and open to the road**

Proposals offer parking and access improvement at the existing school and Transport NI offer no objection.

- **Plans don't show playground the playground currently in pace appears to be covered by more parking**

The playground at the existing school is shown to be retained on the site layout plan (Drawing C01 L)

- **No mention of fencing between school and development**

The developer intends to provide buffer planting along this boundary. A condition could be applied to ensure post and wire fencing is also provided.

- **Access to the school should not be impeded during construction**

- **Construction operations with excessive noise should not take place during school hours**

The applicant is in control of the existing school and development site that they should be able to take measures to ensure this does not happen.

- **Lights coming down the driveway shining Rowallane Gate**

- **Direct views travelling/ walking into living / bedroom at Rowallan Gate**

In any urban context this not preventable however the developer has taken measures to provide buffer planting to the rear of the existing properties to ensure a level of screening to avoid impact to amenity.

Consideration and Assessment:

Proposal:

The proposals involved the erection of 16, two storey dwellings comprising of 6 detached and 10 semi-detached dwellings, with in curtilage parking and formalised gardens to front and rear. Dwellings will use the natural contours with a stepped arrangement from NE to SW with retaining walls to rear not exceeding 1.5m to allow for changes in ground levels. The dwelling type proposed draws in external materials of type and finishes found within the locality and therefore will not appear misplaced at this specific location.

EIA Screening:

The proposal falls within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. The Local Planning Authority has determined through an EIA screening that there will be no likely significant environmental effects and an Environment Statement is not required.

Planning Act:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plans so far as it material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan:



The site is located inside the development limit of Saintfield on unzoned lands. The site previously benefitted from outline planning permission for a housing

development (R/2006/1109/O) and Reserved Matters (R/2012/0276/RM) approval for 20 dwellings granted 5th November 2014 for a layout similar to current proposals.

This planning permission has since lapsed in November 2019 and does not appear to have been implemented.

On the basis of the former permission and given its location within the settlement limits of Saintfield the principle of a residential land uses at this location has been accepted and is in keeping with surrounding that it is not at conflict with the area plan.

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

Planning Policy Consideration:

The main issue to be considered is the principle of residential development on the site, the proposed design, layout and detailing as well as its impact upon the setting and adjacent residential dwellings.

Strategic Planning Policy Statement (SPPS).

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment. (Para 3.3)

It is considered that the proposal is in accordance with the principles set out in the SPPS and other policy considerations for the reasons set out below.

SPPS and PPS2 – Natural Heritage

DAERA NED in comments dated 12.03.19 are content with the proposal against PPS 2 requirements, subject to conditions and NIEA Water Management Unit and Regulation Units in comments dated 16.06.20 have also no objection.

Proposals meet the requirements of the SPPS and PPS2.

PPS3, DCAN 15 and Parking Standards:

Transport NI in their consultation response dated 10.11.22 have no objection with proposals. Each site has adequate in curtilage turning and parking within the scheme and additional parking / access arrangement will be improved with the

implementation of the scheme due to additional parking, layby, pick up points and pathways for the school and the proposed development.

SPPS and PPS15 – Rivers Agency in their consultation response 01.07.20, have raised no issues of concern.

SPPS, DES2, PPS6, PPS7 (QD1), PPS12 (PCP1, 2, 3 and HS4) and PPS7 (Addendum) (LC1), PSRNI, Creating Places and DCAN8

The site is located on the suburbs of the settlement of Saintfield surrounded by a mix of residential development and a primary school immediately to the W of the site.

Housing development immediately within the vicinity include that of established residential development of Rowallane Gate (Adjacent and E), Old Grand Jury Manor (NW of site) and Grand Jury Land (NE of the site) and detached properties to the east located between Old Grand Jury Road and Crossgar Rd.

Properties have a mix of house types with single/ two and three storey form of detached and semi-detached form with formal gardens to front and rear, with incurtilage parking and external finishes of painted render and brick finishes which are the predominant external finish found within the locality.

The proposed development comprises of 16 residential units comprising of 6 detached properties and 10 semi-detached dwellings. The design of which has taken account of design of surrounding dwelling types and has incorporated elements throughout the scheme. Ground at the site rises from the Old Grand Jury Road. The applicant has taken the changes in ground levels into account and has worked with the natural contours to regrade and plant between plots were possible with the use of retaining walls to separate boundaries between plots along the NW portion of the site ranging between 0.5m to 1.5m.

The applicant also proposes to use vegetative planting of laurel hedging between plot boundaries, retain existing vegetation of the outer boundaries including to the rear of 1-6 Rowallane Gate along with supplementation of additional mix woodland species within the scheme to which will create soften the visual aspect of the development and to protect privacy especially to the rear of Nos. 1-6 Rowallane gate. A new treatment plant will be located immediately SE of the entrance to the development however this will be screened by the retention of existing vegetation and new planted boundaries.

All plots have adequate and appropriate provision for parking within each plot, including bin storage.

The proposed dwellings incorporate materials which are evident within this locality, with the scale, mass and form reflective of existing built form found at this location and will not appear misplaced in its surroundings. The development offers 4 different house types within the scheme to offer a good range and mix of house types.

There are no known archaeological or built heritage interests associated with the site.

Overall the design and layout does not create conflict with adjacent land uses. The dwellings have been adequately located to avoid any overlooking or impact to the amenity of adjacent properties.

The development has been designed to deter crime and promote personal safety with all areas of public access sufficiently surveilled within the scheme.

There is no provision for local neighbourhood facilities provided, however given the location of the development within the settlement limits of Saintfield the development is well placed for access to the urban centre and access to a wide range of local facilities and service and given its linkage to the existing footpath network will encourage sustainable movement patterns.

Water and Sewerage

The applicant proposes to connect to a main water supply with surface water sewerage into the existing storm drain and foul sewerage by means of an on-site treatment plant.

Having reviewed the NIW comments dated 06.07.20 advise that that a public water supply is within 20m of the site the developer is required to consult with NIW by means of a PDE to determine capacity.

There is also foul sewerage within 20m of the site and available capacity at the WWTW although the developer has opted to avail of a sewerage treatment plant.

There is no surface water sewer at the site however Rivers Agency in their consultation response dated 21.11.18 acknowledge a Schedule 6 approval for consent to discharge surface water (dated 03.09.18)

While the public water connection and surface water sewer can be adequately dealt with the means of dealing with sewerage needs to be satisfied. Clarity has been sought on this aspect

The onus is on the applicant to obtain relevant consents from NIW for connect to supply and ensure sewerage provision is provided on site prior to commencement.

Sewer Assessment:

There is a 300mm dia foul sewer located on Old Grand Jury Road; however, NIW is recommending that no further connections should be made to the Sewerage Network.

Under No circumstances will storm water be permitted to enter a foul sewer.

WWTW ASSESSMENT / STATUS: *Wastewater Treatment facilities at Saintfield are currently available to serve this proposal. However, due to the sewer network being at capacity in the Saintfield catchment and sewer flows spilling from CSOs into the environment, NIW is recommending to Council Planners that no further connections*

should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the site.

A PDE enquiry has been obtained expiring on 6th December 2023 in relation to the reserved matters application R/2012/0276/RM which concludes: There is availability at the WWTW, public water sewer cannot adequately deal with the proposal and no public storm sewer. A public water supply is available. There is no updated PDE in place for the current proposal. Email sent to agent 23.11.22 seeking update on NIW.

The agent emailed on the 2nd October 2023 enclosing evidence that engagement has taken place with NIW in the form that a Waste Water Impact Assessment has been submitted to NIW although not concluded. This was also confirmed by the email from NIW on the 1st September 2023 which sets out an updated position for the WWIA. NIW advised that they had hoped to release their solutions report which has been delayed by downstream issues relating to the pumping station at Saintfield/ Crossgar WWPS thus causing delay in concluding the WWIA.

The Planning Department is satisfied that given the exchange of emails between NIW and the applicant that a WWIA has been submitted and engagement has taken place with NIW to resolve issues. On this basis the Planning Department will set out a negative condition to be applied that the development shall not commence until drainage details have been provided including details of implementation and that the development will not be occupied until the drainage details are agreed with NIW.

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 the selection features, conservation objectives or status of any European site.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, 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.

9.0. RECOMMENDATION:

Consideration and Assessment Summary:

Having had regard to the development plan, consideration of the objection letters and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS7, PPS7 (Addendum), PPS12, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable residential development proposal which

complies with the zoning of the area plan and 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:

- 1818 C00 (Location Map)
- C01 Rev L (Ex. & proposed Site Plans and Site Sections)
- C02 Rev B (Road Sections)
- C02 Rev C (House Types A & C)
- C03 Rev B (House Type B)
- C04 Rev D (Site Sections)
- C109 Rev H (PSD Layout)
- C111 Rev a (Parking layout)

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

3. The Private Streets (NI) Order 1980 as amended by the Private Streets (Amendment) (NI) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No. C109 REV H PSD Layout received 10th November 2022.

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

4. The vehicular access including the visibility splays and any forward sight distance shall be provided in accordance with drawing No. C109 REV H PSD Layout received 10th November 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any other 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 satisfactory means of access in the interests of road safety and the convenience of road users.

5. The Private Streets (NI) Order 1980 as amended by the Private Streets (Amendment) (NI) order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined in blue on drawing No. C109 REV H PSD layout received 10th November 2022.

The Council hereby attaches to the determination a requirement under Article 3 (4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C)

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

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

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

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

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

8. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to the Local Planning Authority to

be approved in writing to the satisfaction of the Department for Infrastructure Street Lighting Section.

Reason: Road safety and the convenience of traffic and pedestrians.

9. The street lighting scheme including the provision of all plant and materials and installation of same will be implement as directed by the Department of Infrastructure Street Lighting Section.

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

10. The parking spaces as shown on drawing No. (.....) shall be provided prior to occupation of the development hereby approved and shall be retained and available solely for the parking of vehicles associated with the development thereafter.

Reason: To ensure adequate parking in the interests of road safety and the convenience of roads users.

11. The waste water treatment plant shall be installed as per the Kee Nudisc specification dated 29th May 2020 and maintenance shall be provided as per the FM Environmental Ltd - Waste Water Service Guide dated 15th September 2020 and

Reason: To avoid impact to amenity.

12. Prior to occupation of the development hereby approved should the proposed waste water treatment plant not be adopted by Northern Ireland Water, a management plan for the service and maintenance of the pumping station shall be submitted to and agreed in writing by the Local Planning Authority. The pumping station shall be serviced and maintained in accordance with the approved management plan thereafter.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

13. 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.

14. 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 13, 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.

15. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the (Drawing No. date stamped) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

16. 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.

17. The open space and amenity areas as indicated on the drawing No. date stamp received shall be managed and maintained in accordance with a detailed Landscape Management and Maintenance Plan which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling hereby approved. Development shall take place in accordance with the approved details.

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

18. All existing hedgerow and trees shown on drawing No. date stamped shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Local Planning Authority in writing.

Reason: To ensure the maintenance of screening to the site and to protect priority habitat and the biodiversity value of the site, including protected species.

19. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and shall be of such size and species shall be planted at such time as may be specified by the Local Planning Authority.

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

20. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and the retaining wall design shall

accommodate any lateral loading from the retained slope. Any such designs and assessments should be certified by an appropriately qualified engineer.

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1678/F

Date Received: 18.10.2022

Proposal: Site for one manufacturing and maintenance building; an open-sided robot parking building and a storage tank/bund to be used for training purposes and associated site works.

Location: 90 metres east of Modern Tyres and 140m north east of no.3A Derryboy Road, Newry, BT35 6QH.

Site Characteristics & Area Characteristics:

The site takes in approximately 0.98ha of open vacant land in an area zoned for Economic Development under designation NY63 of the Banbridge Newry and Mourne Area Plan 2015. The site which is located in the Carnbane Industrial Estate is accessed by a recently constructed access road to the elevated site which is located to the rear of Modern Tyres and separated by a strong band of trees.

Relevant Site History:

Application Number:

P/1989/0828

Decision: Permission Granted

Decision Date:

Proposal: 33/11kv changeover

Application Number: P/1998/6075

Decision:

Decision Date:

Proposal: industrial development east of carnbane industrial estate between shepards way and cloghanramer road

Application Number: P/2002/2040/Q

Decision:

Decision Date:

Proposal: Road Extension

Application Number: P/2008/0789/Q

Decision:

Decision Date:
 Proposal: Proposed industrial development.

Application Number: LA07/2023/3604/F
 Decision: pending
 Decision Date:
 Proposal: New light industrial unit with associated car parking, yard area and site works.

Application Number: LA07/2023/3639/F
 Decision: pending
 Decision Date:
 Proposal: Erection of manufacturing facility for the production of paper/corrugated fibreboard products to incorporate dispatch and storage areas, waste room, office and welfare facility, car/lorry parking, turning and loading areas and associated boundary treatments and site works

Application Number: P/1990/1111
 Decision: Permission Granted
 Decision Date: 09 January 1991
 Proposal: Site for 100,000 sq ft factory for the manufacture of reflective sheeting (Special Industrial Use)

Application Number: P/1996/0735
 Decision: Permission Granted
 Decision Date: 27 March 1997
 Proposal: Provision of Access Bridge and Estate Road for Industrial Estate

Application Number: P/1997/1049
 Decision: Permission Granted
 Decision Date: 16 May 1998
 Proposal: Proposed industrial estate, siteworks and access road

Application Number: P/2000/2164/F
 Decision: Permission Granted
 Decision Date: 10 October 2001
 Proposal: Access Road and services for multi-user industrial estate.

Application Number: P/2001/1765/CD
 Decision: Permission Granted
 Decision Date: 25 March 2002
 Proposal: Provision of access road and services

Application Number: P/2005/0083/F
 Decision: Permission Granted
 Decision Date: 19 October 2005
 Proposal: Erection of factory for the manufacture of specialist joinery for international ship out-fitting and general shop-fitting with office and administrative block, ancillary accommodation, parking provision, heli-port facilities and associated site works

Application Number: P/2009/0640/O
 Decision: Permission Granted

Decision Date: 23 April 2010
Proposal: Industrial Development

Application Number: P/2009/0642/F
Decision: Permission Granted
Decision Date: 27 April 2010
Proposal: Infrastructural works to facilitate industrial development, including access, internal roads layout, drainage and the creation of two development platforms.

Application Number: P/2012/0449/PREAPP
Decision: Enquiry:Other Letter Issued
Decision Date: 14 April 2014
Proposal: Industrial Village Business

Application Number: LA07/2016/0654/F
Decision: Permission Granted
Decision Date: 03 January 2018
Proposal: Proposed extension to existing factory (2242m²) comprising:
a) 24m extension northwards and 18.5m eastwards and associated siteworks
b) proposed new entrance and access road from existing industrial estate road

Application Number: LA07/2018/0167/PAN
Decision: PAN Concluded
Decision Date: 21 February 2018
Proposal: Proposed erection of 1 No. industrial unit with associated office and all site and access works

Application Number: LA07/2019/0943/F
Decision: Permission Granted
Decision Date: 13 February 2020
Proposal: Proposed manufacturing facility welfare & office facilities, associated site works including: yard storage areas, boundary fencing, 2 No. vehicular & pedestrian access entrances.

Application Number: LA07/2019/0317/F
Decision: Permission Refused
Decision Date: 24 November 2020
Proposal: Retaining wall along Northern and eastern corner. (Retrospective Permission)

Application Number: LA07/2021/0505/F
Decision: Permission Granted
Decision Date: 08 July 2021
Proposal: Proposed finished goods storage facility, adjacent to existing approved manufacturing facility. Re-positioning of existing vehicular entrance and associated site works.

Application Number: LA07/2022/0531/F
Decision: Permission Granted
Decision Date: 27 July 2022

Proposal: Proposed 1no light industrial building with associated offices, yard area, car parking and site works

Application Number: LA07/2022/1494/PAN

Decision: PAN Concluded

Decision Date: 14 October 2022

Proposal: Erection of manufacturing facility for the production of paper/corrugated fibreboard products to incorporate dispatch and storage areas, waste room, office and welfare facility, car/lorry parking, turning and loading areas and associated boundary treatments and site works.

Application Number: LA07/2022/1598/DC

Decision: Approval

Decision Date: 28 October 2022

Proposal: Discharge Condition 3 of Planning Approval LA07/2016/0654/F

Application Number: LA07/2022/1223/DC

Decision: Approval

Decision Date: 18 November 2022

Proposal: Discharge of condition No. 5 of planning approval LA07/2022/0531/F

Application Number: LA07/2022/1094/F

Decision: Permission Granted

Decision Date: 15 February 2023

Proposal: Amendments to the consented solid recovered fuel facility (LA07/2021/1102/F) to include

- 1) the relocation of the sprinkler tank and pump house
- 2) increased height of lean to structure to match the approved roof line of main building
- 3) change of fuel to the combined heat and power plant to refuse derived fuel and ancillary plant
- 4) relocation of dryer

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland

The Planning (Use Classes) Order (Northern Ireland) 2015

Planning Strategy for Rural Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PPS 4 – Planning and Economic Development.

PPS 3 – Access, Movement and Parking / DCAN 15

PPS 15 – Planning and Flood Risk.

PPS 2 – Natural Heritage

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

Parking Standards.

The Planning Act (Northern Ireland) 2011

Consultations:

NI Water – Public water supply within 20m of site and available capacity WWTW. Capacity issues with public foul sewer – refusal recommended.

NIEA – following amended plans, no objections.

Loughs Agency – no objections. Advice and condition provided.

Environmental Health –no objection subject to compliance with attached conditions.

DFI Roads – no objection in principle to the proposal.

DFI Rivers – No objection subject to compliance with the attached condition.

Historic Environment Division – content the proposal complies with SPPS and PPS 6.

Shared Environmental Services – Project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

Objections & Representations

4 neighbours notified on 10.11.2022 and the application was advertised in the press on 09.11.2022. No objections or representations received.

Consideration and Assessment:

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

The proposal has been screened for an Environmental Statement as it breaches the thresholds within part 10(a) of the EIA Regulations. The screening determined an Environmental Statement is not required.

As confirmed by the agent, the company specialises in robotically cleaning out specialised tanks (e.g. hazardous petrochemicals) that cannot be cleaned by humans, for health and safety reasons.

Their products are designed to remove heavy fuel oil, crude oil, and sludge from tanks. Humans cannot enter the confined space of such tanks and the company invented this product. There are two aspects to this proposed development:

1. The shed will be used for the assembly and maintenance of robots that will be used for cleaning out sealed tanks. It will also be used for maintenance of the Regen company's fleet of machines (plant / lorries / trailers etc.); and
2. The tank on the site is intended to replicate the working conditions that the company's robots will encounter on site. They are to be used for training purposes only and will not be used for bulk storing liquids / fuels etc.

Banbridge Newry and Mourne Area Plan 2015 (BNMAP)

The site is located within the development limit for Newry City on land zoned for Economic Development under zoning NY63. The key site requirements for this zoning are,

1. Access shall be from Carnbane Industrial Estate Roads;
2. Open storage areas shall be screened from access roads;
3. Hedges on the southern boundary of the site shall be retained and supplemented with an 8-10 metre belt of trees of native species, to screen the proposed development;
4. Hedges on the eastern boundary of the site shall be retained and supplemented with a belt of native species trees. This landscaping belt shall be a minimum of

80 metres wide, west of the Cloughanramer Road, to screen the proposed development and ensure development does not encroach onto the more prominent land.

The proposed site will be accessed from the Carnbane Industrial Estate roads, and there is no provision made within the plans for open storage areas. The proposed site will not affect the eastern or southern boundaries of the Economic Zoning and therefore I conclude the proposal to be in general compliance with the key site requirements contained within the Banbridge Newry and Mourne Area Plan 2015.

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. I consider the proposal falls under Class B2: Light Industrial from The Planning (Use Classes) Order (Northern Ireland) 2015 and the BNMAP Plan Strategy and Framework confirms Class B2 uses to be acceptable on 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. Given the proposal includes a B2 use class and the fact the proposal is to be sited within the development limit for Newry City, policy PED 1 of PPS 4 is applicable.

Planning Policy Statement 4 / Policy DES 2 of PSRNI / Parking Standards

PED 1

This policy confirms a B2 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 proposed development is proposed to be located on land zoned for Economic Development which includes other industrial development. The Area Plan confirms B2 uses are acceptable in this area. As established above, the siting of the proposal is deemed acceptable. In terms of scale and form, the proposal is comparable with existing built development in the surrounding lands. The nature of the proposal is acceptable for the location and sited in land specifically zoned for such uses.

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, where similar industrial uses are extant.

(b) The proposal will not harm the amenities of any nearby residents to an unacceptable level. Environmental Health has raised no objections subject to a condition on the hours of operation, no external plant that would cause noise disturbance and potential ground contamination is included within the decision notice. The nearest residential property is approximately 150m from the site.

(c) The natural or built heritage will not be compromised by the proposal. The site has previous permission for industrial zoning and NIEA has confirmed it has no objections to the proposal.

(d) DFI Rivers Agency has no objections to the proposal subject to compliance with the attached condition. No history of flooding at this site.

(e) The proposal is not anticipated to create a noise nuisance subject to the conditions within the consultation response from Environmental Health being complied with.

(f) A negative condition will ensure the proposal is connected to the sewer and agreed by NIW prior to the commencement of development or a consent to discharge approval. Whilst NI Water has recommended refusal, this negative condition safeguards effluent being dealt with appropriately. There are no known emissions associated with the development.

(g) DFI Roads has no objections to the proposal with regard to the existing road network.

(h) The proposed plans show 39 car parking spaces. Considering the gross floor area of 3340sqm the car parking requirement for the site is 72, which leaves a deficit of 33 spaces. The Parking Standards makes provision for the assessment of parking to be considered against the individual merits of the application having regard to the number of workers, operating patterns, location and proximity to public transport. I am mindful that the application form notes 30 vehicles travelling to the site and the agent's submission that advises Regen offer a bus service for employees to the site, and consequently, on this occasion, I consider a lesser car parking requirement at this facility is acceptable. The Parking Standards require 5 commercial spaces which has been annotated on the amended site layout.

(i) The proposal is in general compliance insofar that is practical and proportionate to the proposal.

(j) I consider the site layout, building design and associated infrastructure to represent a high quality which is largely dictated by the purpose and requirements of the facility. The design which is in keeping with surrounding uses is appropriate for the site and typical of that found in the surrounding industrial zoning. An environmental protection buffer has been included to protect the existing band of trees and watercourse to the west of the site which can be reinforced by condition and helps preserve biodiversity and further trees and grassed areas have been added to the layout which will help soften the appearance within the landscape. despite being minimal has been shown on the site layout to the front of the site. The proposal is also in general compliance with policy DES 2 of the Planning Strategy for Rural Northern Ireland.

(k) There are no area of outside storage noted on the plans.

(l) The proposal is designed to deter crime and promote personal safety in that fencing has been erected around the site and gates are proposed to the site entrance. All buildings are overlooked by each other to promote personal safety.

(m) As the proposal is not within the countryside this criterion is not applicable.

There are no concerns regarding amenity given the distance of over 150m to the nearest residential property and Environmental Health has raised no concerns. The design is of an appearance and scale that is in keeping with the built and approved development in the immediate area and will not detract from the appearance or character of the area to an unreasonable level. In conclusion I consider the proposal to meet the policy requirements in full of PED 9 and PED 1 of PPS4 and DES 2 of PSRNI.

Information has been provided to show negotiations with NI Water in terms of capacity issues in the area are on-going. On this basis it is necessary to negatively condition the proposal to ensure consent has been acquired or that a Consent to Discharge has been acquired.

Planning Policy Statement 6

Historic Environment Division has no objection to the proposal with regard to PPS 6 and the SPPS given the larger area has been archaeologically resolved as part of the previous approval.

Planning Policy Statement 15 – Planning and Flood Risk

Following consultation with DFI Rivers, the Department has confirmed that policies FLD 1, FLD 2, FLD 4 and FLD 5 are not applicable to the site. Following the submission of a Drainage Layout and Drainage Impact Assessment, DFI Rivers has no objection subject to a condition ensuring the final drainage assessment is submitted and agreed by the Planning Authority, prior to the construction of the drainage network.

Planning Policy Statement 3 Access Movement and Parking

DFI Roads has been consulted with regard to PPS3 Access, Movement and Parking. The Department has responded with no objections in principle to the proposal on the basis that Planning are content with the proposed in-curtilage parking, turning and servicing arrangements. As explored above I am content the proposal is acceptable in terms of parking and there is enough space for turning and servicing. The proposal is consequently in general compliance with PPS 3.

Planning Policy Statement 2 Natural Heritage

Following the submission of a Biodiversity Checklist, a Preliminary Ecological Assessment and an amended site layout plan showing a 10m buffer from the nearby watercourse, NIEA are content the proposal will not have harm any species or habitats of importance or protection. Consequently, I consider the proposal to be in general compliance with the policy provisions of PPS 2.

Recommendation:

Approval. The agent is in receipt of a NI Water Solutions report and on this basis, I am content sufficient engagement has taken place with NI Water to allow the application to move to Planning Committee for consideration of negative conditions. These negative conditions (7&8) safeguard the environment ensuring no development will commence until all foul and surface water drainage arrangements are agreed.

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: 22017-A-PL01 REV B1, 22017-A-PL03 REV B, 22017-A-PL06, 22017-A-PL05 and 22017-A-PL04

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

3. Prior to the construction of the drainage network, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to the Planning Authority for its consideration and approval in writing.

Reason – To safeguard against flood risk to the development and elsewhere.

4. All noise generating operations shall be restricted to daytime hours of 07:00 to 23:00 Monday to Friday and 08:00 to 14:00 Saturday only.

Reason: To safeguard neighbouring amenity.

5. No external plant which would cause a noise disturbance to nearby residential properties shall be installed at the site.

Reason: To safeguard neighbouring amenity.

6. Should any foreseen ground contamination be encountered during the development, and in order to protect human health, all works on site shall immediately cease. The Environmental Health Department shall 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 shall be prepared and submitted for appraisal.

Reason: In the interest of public health

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

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

8. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 7, 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.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the operation of any part of the development in accordance with the details on the approved plans.

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

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

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

11. Work methods and materials must not impinge upon any nearby watercourses. The use of cement or concrete shall be kept out of all drains and watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

Case Officer: Ashley Donaldson 19/01/2024

Authorised Officer: Maria Fitzpatrick 24/01/2024

Delegated Application

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

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

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

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

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

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

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

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

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

Representations:

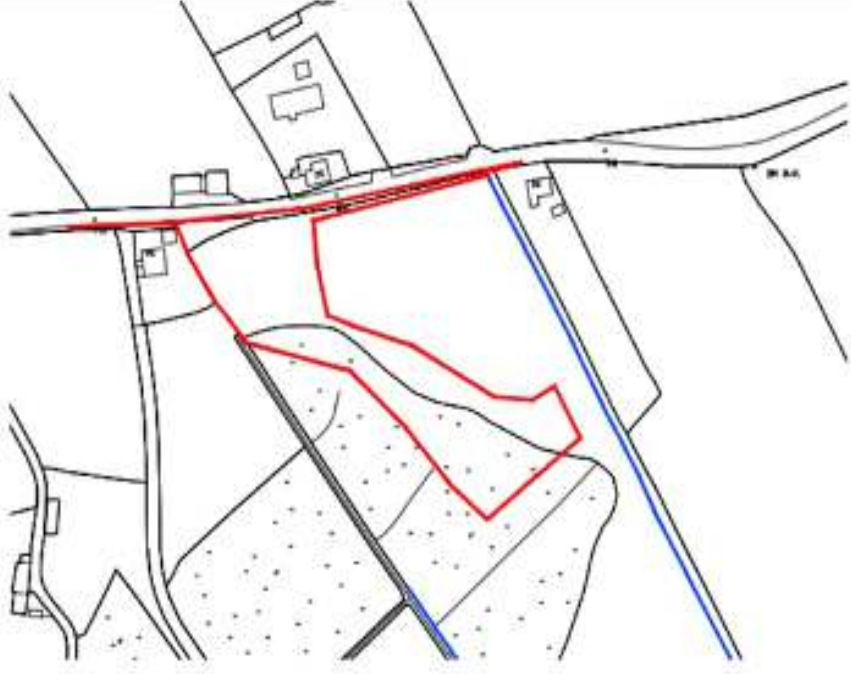
To date 47 objections have been received in relation to the application, the application has generated a great deal of concern with local residents who have objected consistently throughout the process and the objections have covered a range of issues. (NB objection count reading 48 due to repeat objection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

Objectors made the following points:

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

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

Letters of Support	0
Letters of Objection	47
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	
Summary of Issues: there are no outstanding issues as a result of the consultation process in relation to this application, all consultees are content. Issues remain as detailed above in relation to objections and concerns.	

Site Visit Report
<p data-bbox="183 331 470 362">Site Location Plan:</p> 
<p data-bbox="183 1072 718 1104">Characteristics of the Site and Area</p> <p data-bbox="183 1144 1394 1570">The site in question is lands located at Clanmaghery Road, Tyrella. The lands are low lying agricultural lands located directly adjacent to an area of wetland, easily identifiable by the visible vegetation associated with wetlands. The site itself is in agricultural use which has more recently been cut and managed more but previously would have been poorer quality less well managed lands. There is an old post and wire fence separating the road from the site that is a post and wire fence and grass bank with some bushes growing along the boundary however these are in poor condition and are windswept. There is no other visible mature planting across the site but noted there does appear to have been planting put in place within the site but this cannot be considered to be mature. No other boundaries of the site are defined except for the boundary along the wetland which is only identifiable by the change from grass to scrub.</p> <p data-bbox="183 1615 1394 1805">The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty and is in close proximity to Tyrella Coastal Sand Dunes, ASSIs being Tyrella and Minerstown and Murlough. The site is also identified as being within proximity to areas liable to surface water flooding.</p> <p data-bbox="183 1809 1394 1993">The area is a rural area with the road network running along the coastline resulting in scenic but rugged views and landscape. There is limited development within the area mainly being single dwellings, A saddlery and also further along the route caravan site. Limited planting and harsh conditions for planting to succeed results in poor boundaries and open views.</p>

Description of Proposal

The application seeks 3 eco-pods, amenity room, ancillary car park, associated site works

Planning Assessment of Policy and Other Material ConsiderationsPLANNING HISTORY

LA07/2021/1242/F - Lands approx. 160m SE of 35 Clanmaghera Road and approx. 300m NW of Tyrella Beach, Tyrella - Erection of 3 eco-pods, amenity room, ancillary car park, associated site works and landscaping – Invalid application.

CONSIDERATION AND ASSESSMENT

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 Natural Heritage.
- Planning Policy Statement 3: Access Movement and Parking
- PPS 16 Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Policy CTY 1 Development in the Countryside

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.

PPS 21 Sustainable Development in the Countryside CTY 1 Development in the Countryside outlines a range of development proposals that may be acceptable within the rural area. Outlined within non-residential development is tourism development in accordance with TOU Policies (superseded by PPS 16 Tourism)

The application is considered against PPS 16, TSM 6 New and Extended Holiday Parks in the Countryside which states that planning permission will be granted for a new

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

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

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

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



The above images show the infant planting on the site.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

CONSIDERATION OF PPS 21 CTY 13 AND CTY 14

Policy CTY 13 – Integration and Design of Buildings in the Countryside Planning is also taken into consideration and CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape**

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

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

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



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

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

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

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

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

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

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

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

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

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

This aspect of policy is not applicable.

Policy CTY 14 – Rural Character is also considered and it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

(a) it is unduly prominent in the landscape.

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

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

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

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

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

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

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

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

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

PPS 2 NATURAL HERITAGE

NH1 European and Ramsar Sites – International is considered, Policy NH1 states that planning permission will only be granted for a development proposal that either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- **A European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance).**
- **a listed or proposed Ramsar Site.**

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

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

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

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

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

The proposal meets the requirements of NH2.

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

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

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

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

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

NH5 is also taken into consideration NH5 habitats, species or features or national heritage importance is considered and it states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- **priority habitats.**

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

- **priority species.**

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

- **active peatland.**
- **ancient and long-established woodland.**
- **features of earth science conservation importance.**
- **features of the landscape which are of major importance for wild flora and fauna;**
- **rare or threatened native species**

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

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

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

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

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

NH6

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

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

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

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

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

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

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

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

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

CONSIDERATION OF PPS 3 ACCESS, MOVEMENT AND PARKING

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

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

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

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

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

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

Reasons for Refusal:

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

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

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

Case Officer Signature: Fionnuala Murray

Date: 24 November 2023

Appointed Officer: A.McAlarney

Date: 24 November 2023

Speaking Rights Note on behalf of the Clanmaghery Road residents

We agree with the planners' reasons for refusal and wish to add some additional points:

- The applicants have not demonstrated that there is a site-specific reason for the development on that field as per CTY1 of PPS21, given that there is already a wide variety of tourist accommodation in the immediate area.
- If the **Holiday Park** application (their phrasing) was granted, the planning precedent set would lead to ribbon development along this sensitive part of the A2 coastline which is right beside Tyrella Public Beach and its protected sand dunes, in an AONB, and within metres of the Tyrella & Minerstown ASSI and SLNCI. This would irrevocably change the wildness/unspoilt landscape of the area.
- The so-called eco-pods cannot possibly blend or integrate with the surrounding area; they are too large, will have no woodland screening and their very development will destroy natural and wildlife habitats.
- The development will have a seriously detrimental effect on the surrounding area: there are concerns about road safety with the increased volume of traffic and pedestrian access to the public beach; the potential for noise and disturbance on an unsupervised site; the ecological impact of household water and waste water seeping from the septic tank and soakaway into the nearby Wetlands and watercourse

LA07/2022/0246/F

Objection

- The proposal will have a significant impact on the area, as it will have adverse impact on the visual amenity and rural character of the area which is an Area of Outstanding Natural Beauty.
- Level of opposition by residents shows the concern of rural character being impacted and the proposal will not create a high quality and sustainable form of tourism for the area.
- The proposal shows a weak design concept that is not respectful to the surrounding landscape and rural character. The environmental impact by this application will be significant and goes against the planning policy clearly.
- Concern of nuisance has been raised with me a Councillor, as there is no management facility proposed and access is not controlled. The proposal will have significant impact on neighbouring properties.

- The planning department feel that the proposal fails to respect the pattern of settlement in the area, offending Policies CTY 8, 13 and 14 of PPS 21, and NH 6 of PPS 2 however the pattern of settlement in the area is not as dispersed as has been outlined in officers' reporting of the site context. Permission is sought for 3 modest eco-pods, in a rural area that has already experienced a range of developments.
- Refusal has been recommended in part due to wavering suggestions that the area is undeveloped, unspoilt or relatively unspoilt, remote and very rural. The area is, in fact, none of the above despite its coastal AONB location. In addition to dwellings and farms, there is a saddlery and an amenity site and car park at the nearby Tyrella Beach.
- For the purposes of Policies TSM 6 and NH 6, a view has been taken that, the site is too far from the beach. A proposal would not be granted any closer to the beach because of the Council's wider resistance to applications close to the coast (due to coastal erosion) and this site is in fact just a short distance away from the beach. It was stated that inadequate usable open space has been provided. The applicant would have been happy to revise the layout, and is amenable to compromise, notwithstanding the fact the site lies in a large field (in which there is an abundance of space that could be utilised for recreation).
- The pods have been described as akin to "mobile homes". It is said that because of their scale, they would be prominent and contrary to CTY 13 of PPS 21. In actual fact, they are less than half the size of mobile homes and the applicant would have been prepared to reduce their scale further if afforded an opportunity. Officers have not elaborated on how it is that 3m high pods on a site that is framed by higher ground, will be prominent in the local landscape. As the presentations slides show, views into the site are fleeting along a relatively short distance along Clanmaghera Road.
- Within the case officers report it is also stated that "it would be difficult to argue that the design and use of materials did not respect, to some degree, architectural styles within the area", this statement then would suggest their design supports their integration into the landscape. Therefore, scale appears to be the main issue here. Officers have not mentioned the fact that the pods are designed to be disabled-user-friendly. There are no other disabled-friendly sites in the area, and the facilities on this site will be better suited than the traditional mobile home / trailer park 2km away at Minerstown.
- Officers feel that the proposal will be prominent in the area, however they make no mention of the fact the site lies in a hollow in the terrain, or of the fact that the ground rises up to a crest on the coastline (and the proposal sits well below this crest, ensuring the proposal is not in fact prominent and does not breach the skyline). It does not offend Policies CTY 13 or 14 or NH 6 on the grounds of prominence.
- Views into the site will be fleeting when travelling along the Clanmaghera Road, the site will be partially viewable from a moving vehicle only. The alignment of the road along with the existing vegetation and development along this part of the Clanmaghera Road provides

screening to the site. The proposed development is only visible for a short distance when travelling east and west along the Clanmaghera Road and is not visible from Tyrella Beach or other surrounding areas. It is therefore difficult to ascertain how it can be considered to be prominent development.

- Critically, officers have failed to appreciate why a linear layout was selected – the proposal was designed to respect the site's contours. Officers have applied a higher standard than is laid out in the policies cited when judging visual impact: officers repeatedly use the phrase "the site is visible". The development is not expected to be invisible.
- Officers opine that the access lane with a turning head will have a negative impact on the rural character of the area. However, it is not out of character, there are a number of similar access lanes (most of which cover a longer distance) in close proximity to the site that serve other properties. These are inconspicuous in the overall landscape and the applicant is no different, it will appear similar to a simple farm track. The path will follow the contours of the existing land in order to avoid long straight lines.
- The applicant's concept has been misunderstood by officers, who have repeatedly queried why the pods are positioned so close to wetland – the eco-theme for this site is based upon nature conservation, biodiversity and sustainability. Given the site's proximity to Areas of Special Scientific Interest and a Special Area of Conservation, the applicant seeks to attract visitors seeking to explore these areas and wishes to reassure members that the proposal is not set out to attract stag or hen parties or groups of revellers. The applicant already provides tourist accommodation in the Mourne area and has appropriate booking arrangements to dissuade such clientele. This is a concept that has been supported by the NITB also.
- It is noted that there have been a high number of objections on this application (it is notable that the number of properties adjoining the site is considerably less than the objector count). These have been read and acknowledged by the applicant. The applicant has gone to significant expense in submitting ecological reports and additional information and went above and beyond the need to demonstrate to the objectors there was nothing scientifically wrong with the application. The fact there have been so many objections is countered by the fact that no consultees have any objections despite the site's environmentally sensitive location.
- It is suggested the proposal will result in ribbon development, however, for the purposes of Policy CTY 8 of PPS 21, it has not been recognised that the proposal does not share common frontage with any adjacent property. It therefore does not extend development in a linear manner. In fact, it is set back from the road, with only its access adjoining the road. It therefore does not offend CTY 8 of PPS 21.
- We would ask that members consider visiting the site themselves to determine whether in their opinion the proposal would be prominent in the landscape or not.

Delegated Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2021/1660/F	Target Date:
Proposal: Dwelling	Location: 250m SE of 19 Nutgrove Road Annadorn Downpatrick
Applicant Name and Address: Miss Ella Miskelly 36 Crabtree Road Ballynahinch BT24 8RH	Agent Name and Address: Sinead McConnell The Courtyard 380C Belmont Road Belfast BT4 2NF
Date of last Neighbour Notification:	
Date of Press Advertisement:	27 September 2021
ES Requested: No	
Consultations: DFI Roads DFI Rivers NI Water	
Representations: 0	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



ITM COORDINATES
X: 742803.3178
Y: 843803.2738

NEW ENTRANCE TO BE POSITIONED AS INDICATED WITH 2.4m x 45m SIGHT VISIBILITY SPLAYS TO BOTH SIDES.



Date of Site Visit: Nov 2021

Characteristics of the Site and Area

The entrance to the site is located approximately 360m West along the Nutgrove Road from the junction with the Buckshead Road and is beside an existing concrete cattle crush. The site of the dwelling is approximately 170m South of the Nutgrove road and is located in the North Eastern corner of a larger agricultural field. Access to the site from the Nutgrove Road is through an agricultural gate between the cattle crush and hedge and then via a long, straight lane that runs along existing mature hedgerow field boundary. This access to site comprises of a crushed stone base and is apportioned from adjacent large agricultural field by way timber post and stock proof fence.

The site of dwelling is within the NE corner of another large agricultural field at intersection of four fields and this field itself is in the form of a large drumlin which is a prominent feature in the landscape. The area of the site has been demarcated by way of timber post and stock proof fence.

Within this enclosed area the site has been stripped and levelled being largely excavated from sloping side of large Drumlin and foundations are in place. The drumlin rises approximately 10-12m high and acts as a natural backdrop to this site. The site is surrounded on all four sides by agricultural land and the area surrounding this drumlin is relatively flat. The northern and eastern boundaries of this site are defined by existing mature native hedgerow. The southern and western boundaries are defined by a newly erected 1.2m high timber post and stock proof fence.

The site is located in the countryside and not within or near to any defined settlement limit as stated in the Ards and Down Area Plan 2015. It is located in a secluded, sparsely populated rural area between Loughinisland and Downpatrick with a variance

of styles between old and new properties and farm buildings. The surrounding land is used mainly for agricultural purposes and the predominant feature of this area being the rolling drumlin topography typical of this region and native species hedgerows.

Description of Proposal

Dwelling

Planning Assessment of Policy and Other Material Considerations

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3: Access, Movement and Parking

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

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

Planning Policy Statement 21: Sustainable Development in the Open Countryside
Policies CTY 1 – Development in the Countryside, CTY 13 – Integration and Design of Buildings in the Countryside & CTY 14 – Rural Character of PPS -21; Sustainable Development in the Open Countryside set out the main considerations that the Council will take into account in assessing proposals for dwellings of this type and in this location. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Building on Tradition:

A Sustainable Design Guide for the Northern Ireland Countryside (April 2012)

PLANNING HISTORY

Planning

Application Number: R/2002/0637/O Decision: Permission Granted Decision

Date: 08 November 2002

Proposal: Proposed dwelling .

Application Number: R/2005/1517/RM Decision: Permission Granted Decision

Date: 09 November 2006

Proposal: Proposed Dwelling

Application Number: LA07/2017/0175/F Decision: Withdrawal Decision Date: 26 June 2017

Proposal: Change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address)

Application Number: LA07/2019/0371/LDE Decision: Permission Refused
Decision Date: 03 May 2019

Proposal: Site access lane constructed, site levelled and foundations formed for new dwelling in accordance with extant Planning Approval R/2005/1517/RM

CONSULTATIONS

DFI Roads – following the receipt of requested amendments, no objections subject to conditions regarding site splays and access gradient

NI Water – no objections

DFI Rivers – initially responded advising that The Strategic Flood Map (NI) indicates that this site lies within the 1 in 100 year fluvial flood plain. Due to the nature of the Strategic Flood Map (NI), the geographical extent of the predicted flood areas at this site cannot be precisely defined. The applicant should carry out a Flood Risk Assessment (FRA) that will verify the more accurate extent of the floodplain affecting this site in accordance with paragraph D4 of Planning Policy Statement (PPS) 15. This will require a river model.

In accordance with PPS 15 FLD 1, development will only be suitable to that part of the site which is found to be outside the determined flood plain. Any development intended within the flood plain will require the Planning Authority to deem the application to be an exception (through meeting one of the exceptions listed under the exceptions heading of PPS 15 FLD1).

A flood risk assessment was commissioned and submitted to DFI Rivers for their consideration. They consider that the modelled extents contained within the FRA do not reflect the flood extents to the proposed development and surrounding area as shown on The Flood Maps (NI), aerial photographic evidence of historical flooding, taken on 28th of February 1994 and 14th of June 2007.

They also point out that aerial photography taken of the site and surrounding area in 2021 and a site visit by PAMU on the 29th March 2022, confirms that infilling has taken place to lands to the east of the proposed development which may have altered the profile of the floodplain and increased flood risk elsewhere.

Dfi Rivers would object to any such infilling taking place. In order to allow proper consideration of flood risk to the site and elsewhere, Dfi Rivers PAMU would recommend that the applicant remove all infill material within the 1 in 100 year fluvial floodplain.

The agent in an email received on 17/10/22 notes the above comments but says that the infilling has taken place on lands outside the boundary of this planning application and outside the control of the applicant. They are of the opinion that the FRA is robust and accurate and confirms the proposed dwelling is not at risk of flooding.

In their final response, DfI Rivers advises that in order to fully assess the flood risk to the proposed development, DfI Rivers requires that the applicant's agent establishes the Q100 floodplain extents of the Blackstaff (Dundrum) River prior to the infilling works and sets the floor design levels a min 600mm above this established level.

In accordance with PPS 15, FLD 1, Development will only be suitable to that part of the site which is found to be outside the determined flood plain.

It should be brought to the attention of the applicant that the responsibility and implementation of flood risk measures rests with the developer and their professional advisors.

In order to allow proper consideration of flood risk to the site and elsewhere, DfI Rivers requires that all infill material within the 1 in 100 year fluvial floodplain be removed.

EVALUATION

Permission is sought for the erection of a dwelling.

The planning history of this site is to be noted.

A principle of development had been established on this site under planning application reference number R/2002/0637/O and again under planning application reference number R/2005/1517/RM. The effect of Condition 1 of this approval required the development to be begun by 07.11.08. Condition 2 of this approval required the vehicular access, including visibility splays be provided in accordance with the approved plans, prior to the commencement of any works or other development on the site.

A subsequent application for a change of house type, LA07/2017/0175/F, was received in 2017. During the processing of this application, the planning office found that there was insufficient proof to demonstrate that the commencement of planning application reference number R/2005/1517/RM occurred before the expiry date of 07.11.2008. While on site inspection, it was noted that the cattle crush is still in place and therefore the access still has not been implemented in accordance with that approved.

A certificate of lawfulness application was submitted for 'site access lane constructed, site levelled and foundations formed for new dwelling in accordance with extant Planning approval R/2005/1517/RM' in March 2019. It found that the operations undertaken to date do not comply with the relevant conditions of R/2005/1517/RM and did not demonstrate commencement. The works to date are therefore not lawful and that permission therefore is no longer extant.

On this basis, given that the previous permission was not lawfully commenced within the required time, there is no permission to rely upon.

No case has been made by the agent under which category of development under PPS 21 CTY1 they wish the development to be considered against.

Officers consider that the proposed dwelling does not fall under any of the exceptions outlined in CTY1 of PPS21 and therefore refusal is recommended.

In the covering letter submitted with the application, the agent sets out that the applicant was seriously ill during the years which followed the RM approval and was therefore unable to commence the development satisfactorily prior to the expiry date. Officers consider that this in itself is not sufficient to set aside the policy requirements of CTY1. Officers consider that a renewal of the planning permission could and should have been sought prior to its expiry.

Planning and Flood Risk

The application site is identified as having a range of constraints in relating to water and flooding; surface water map for NI, Q100 Fluvial Strategic Scale Model Output and Development falls within Watercourse lines with 10m buffer. Accordingly, DFI Rivers were consulted on the proposal.

They responded identifying that this site lies within the 1 in 100 year fluvial flood plain. They advise that due to the nature of the Strategic Flood Map (NI), the geographical extent of the predicted flood areas at this site cannot be precisely defined. They recommended that the applicant should carry out a Flood Risk Assessment (FRA) that will verify the more accurate extent of the floodplain affecting this site in accordance with paragraph D4 of Planning Policy Statement (PPS) 15. This will require a river model.

In accordance with PPS 15 FLD 1, development will only be suitable to that part of the site which is found to be outside the determined flood plain. Any development intended within the flood plain will require the Planning Authority to deem the application to be an exception (through meeting one of the exceptions listed under the exceptions heading of PPS 15 FLD1). Officers do not consider that the proposal for a dwelling meets any of the exceptions to FLD1 and therefore the application is not acceptable in this regard. .

A FRA was sought from the agent given the need to verify more accurately the extent of the floodplain. This was received and DFI Rivers were reconsulted. They advised that they consider that the modelled extents contained within the FRA do not reflect the flood extents to the proposed development and surrounding area as shown on The Flood Maps (NI), aerial photographic evidence of historical flooding, taken on 28th of February 1994 and 14th of June 2007.

They also point out that aerial photography taken of the site and surrounding area in 2021 and a site visit by PAMU on the 29th March 2022, confirms that infilling has taken place to lands to the east of the proposed development which may have altered the profile of the floodplain and increased flood risk elsewhere.

DfI Rivers would object to any such infilling taking place. In order to allow proper consideration of flood risk to the site and elsewhere, DfI Rivers PAMU would recommend that the applicant remove all infill material within the 1 in 100 year fluvial floodplain.

The agent in an email received on 17/10/22 notes the above comments from DFI Rivers but says that the infilling has taken place on lands outside the boundary of this planning application and outside the control of the applicant. They are of the opinion that the FRA is robust and accurate and confirms the proposed dwelling is not at risk of flooding.

In their final response, DFI Rivers advises that in order to fully assess the flood risk to the proposed development, DfI Rivers requires that the applicant's agent establishes the Q100 floodplain extents of the Blackstaff (Dundrum) River prior to the infilling works and sets the floor design levels a min 600mm above this established level.

In accordance with PPS 15, FLD 1, Development will only be suitable to that part of the site which is found to be outside the determined flood plain. In order to allow proper consideration of flood risk to the site and elsewhere, DfI Rivers requires that all infill material within the 1 in 100 year fluvial floodplain be removed.

Given that the proposed development does not meet one of the types of development suitable in the countryside and that the proposed development does not fall to be considered as an exception to FLD1 the planning authority recommend that this proposal should not succeed.

After consideration of all relevant planning policies and other material considerations this proposal does not satisfy the requirements of the policy PPS 21 CTY1 or PPS 15 FLD1.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Refusal

Reasons for Refusal:

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.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy FLD 1 of Planning Policy Statement 15 in that the proposal involves development within the floodplain and does not meet any of the exceptions listed under the exceptions heading of PPS 15.

Informative

1. The drawing numbers to which this decision relates are: JN_1002_D_001 Rev 1, JN_1002_D_003, JN_1002_D_004, JN_1002_D_005, JN_1002_D_006, JN_1002_D_007 and JN_1002_D_008 Rev 2.

Case Officer Signature: J McMullan

Date: 13 October 2023

Appointed Officer: A. McAlarney

Date: 13 October 2023

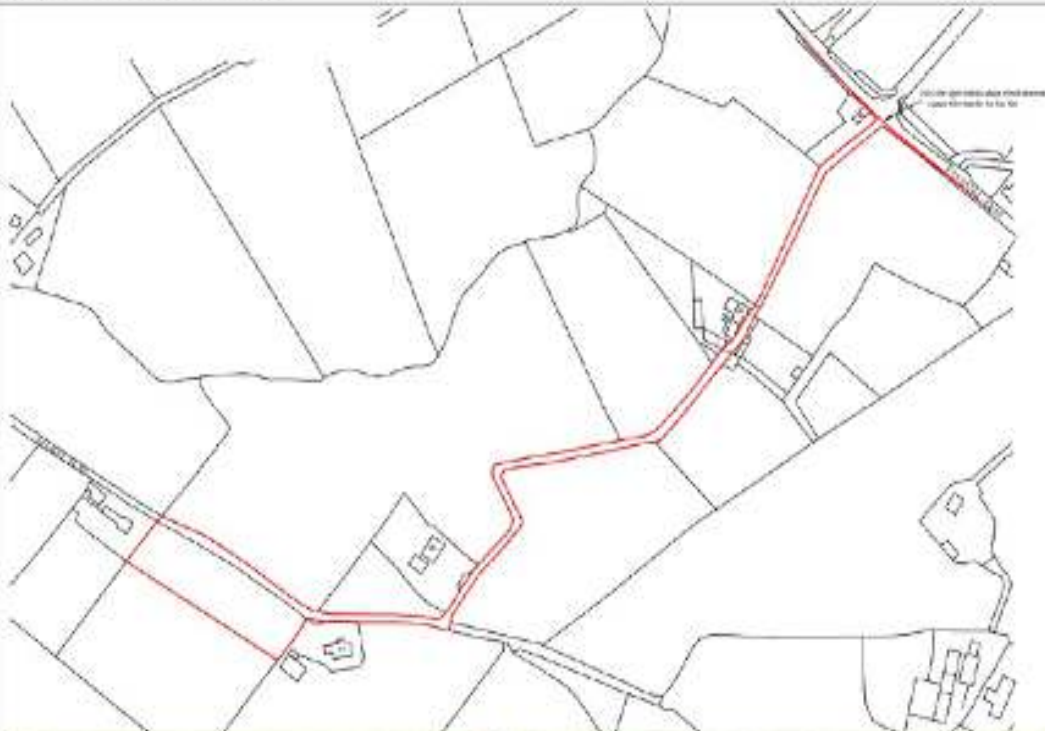
Delegated Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2022/1712/O	Target Date:
Proposal: 2no Infill Dwellings and Garages	Location: Lands between 51 and 53 Dundrinne Road Castlewellan
Applicant Name and Address: Laura Maginn 53 Dundrinne Road Castlewellan BT31 9EX	Agent Name and Address: Planning Permission Experts 29A Central Promenade Newcastle BT33 0AA
Date of last Neighbour Notification:	6 November 2023
Date of Press Advertisement:	7 November 2022
ES Requested: No	
Consultations: DFI Roads NI Water DFI Rivers NIEA NMD Right of Way Officer	
Representations: 7 letters of objection have been received from 4 different addresses: Michael Lyle 53 Dundrinne Road Damien Rice 51 Dundrinne Road Mr and Mrs Lyle 53 Dundrinne Road Michael Lyle 53 DUNDRINNE ROAD Mr Damien Rice Alan Peters 55 DUNDRINNE ROAD Anne O Gorman 43 DUNDRINNE ROAD	
Letters of Support	0.00
Letters of Objection	7
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Summary of Issues:

Site Visit Report

Site Location Plan:



Date of Site Visit: Dec 2022

Characteristics of the Site and Area

The red line of the application site comprises an open field set to the southern side of a laneway and bound by a dwelling on either side. The red line extends around a very

long narrow and winding laneway which extends off Dundrinne Road. This laneway is a Right of Way. It is overgrown and not readily accessible by vehicle beyond the dwelling at no. 45. The field is bound along the lane by a dry stone wall with post and rail fence and rises to a slight ridge to the rear southern side of the site. The site lies outside any settlement and is therefore located in the countryside. It also lies within the Mourne AONB.

Description of Proposal

2no Infill Dwellings and Garages

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2,3, 6 and 21 (CTY1, 8, 13, 14, 16), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

PLANNING HISTORY

No recent or relevant planning history on the site

CONSULTATIONS

DFI Roads – initially responded requesting amendments to show all lands necessary for visibility splays and widened access to be shown within the red line.

Upon receipt of amended plans showing the visibility splays and widened access shown on the location plan, DFI Roads responded with no objections.

Landowners who own the lands at either side of the lane junction with the Dundrinne Roads have advised they do not and will never give permission for the widening of this access to meet the standards required by DFI Roads, i.e., 4.8m wide for the first 10m. This is highly material to the application.

NI Water – no objections

DFI Rivers – no objections

NIEA – no objections subject to officers following standing advice flow chart.

NMD Rights of Way Officer – no objections to the proposal other than the suitability of the lane for access.

REPRESENTATIONS

7 letters of objection have been received from 4 different addresses:

Michael Lyle 53 Dundrinne Road
 Damien Rice 51 Dundrinne Road
 Mr and Mrs Lyle 53 Dundrinne Road
 Michael Lyle 53 DUNDRINNE ROAD
 Mr Damien Rice
 Alan Peters 55 DUNDRINNE ROAD
 Anne O Gorman 43 DUNDRINNE ROAD

Objection was raised on the following grounds:

- The site forms an important setting to low lying landscapes to the north and a foreground to the Mournes to the south.
- In this setting, fields between houses are important to allow the area to feel part of the countryside rather than a row of houses. Infill in this situation would not be in keeping with the character of the rural area.
- Distance between 51 and 53 is too large for an infill site and would have a larger footprint.
- Access to the proposed sites is via a long narrow lane, bound by robust stone walling. The access is not fit for purpose; it has right angle bends and is not useable by cars, delivery vans etc.
- The traffic would need to go via Drumee Road access which is shared by 6 houses and is over capacity to vehicle traffic at present – no proper passing places.
- All existing dwellings are original or official replacements of historic dwellings. There have been no new sites agreed on this rural lane.
- Concerns regarding drainage and runoff from the proposed sites. The laneway at no. 53 is prone to flooding. The development will increase rainwater substantially.
- Inappropriate development in the Green Belt – will destroy this unspoilt AONB and give rise to detrimental precedent
- Destroying traditional field patterns
- Loss of high-quality agricultural land
- Inconvenience and reduced safety for pedestrians through greater traffic
- Proposed dwellings would be sited on a ridge with wide frontages, garages and hardstanding resulting in permanent change to the skyline blocking views of the mountains and changing the character of the lane forever.
- Currently the lane is maintained at the private expense of the owners of the houses on the lane although others use the lane. Any more dwellings than the existing 6 households will likely pass the threshold of number of dwellings over which the council should adopt the lane and undertake the maintenance of the surfaces and sightlines.
- Site is bounded and accessed by a laneway which is a partially adopted right of way, this is not clear on the application.
- Amended plans showing access and site visibility onto the Dundrinne Road is not accurate and the access is impassible. Emergency vehicles have been unable to gain access more than 100 yards.
- Landowner has begun works amending a shared laneway trying to reduce vehicle access to the lane

- I have not given permission for any of my land to be used to widen the lane that runs from Dunderinne Road to the Drumee Road.
- The access lane is not wide enough at Dunderinne End to meet the DFI Roads requirement of (4.8m wide for first 10m)
- I have not given and never will give permission for the lane to be widened using any part of my property.
- The lane is unsuitable for vehicular traffic.
- The lane is a public right of way

All representations in relation to the principle of development, visual amenity, access and road safety and will be covered in the relevant sections below.

EVALUATION

This application seeks outline permission for the erection of two infill dwellings and garages.

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable development in the countryside' (PPS21). Policy CTY1 of PPS21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY8 of PPS21 (infill dwelling).

Policy CTY8 of PPS21 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 the size, scale, siting and plot size etc.

In assessment of this application, the application site sits between a dwelling with accompanying sheds at no 51 Dunderinne Road, and a dwelling and outbuilding at no. 53.



Dwelling and sheds at no. 51 with application site in foreground



Application site with dwelling at no. 53 in the background.

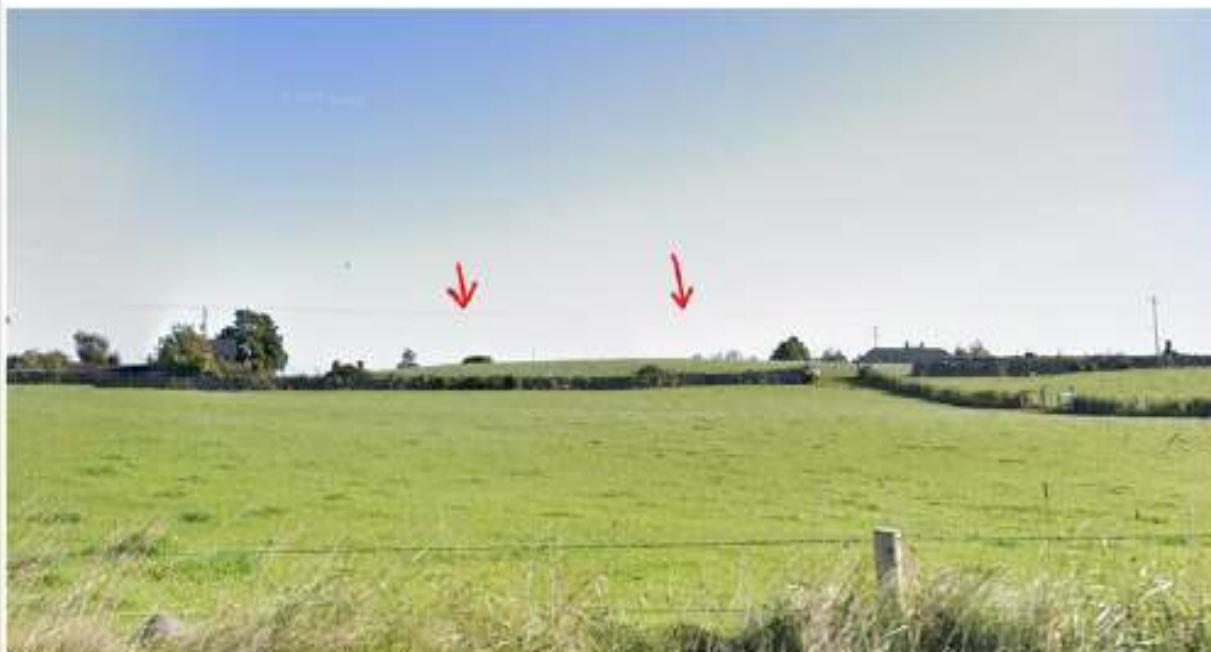
All of these buildings share the same frontage onto the access Lane. Officers are therefore satisfied that the site comprises a gap site in a substantial and continuously built up frontage.

The dwelling and sheds at no. 51 have a plot width of approx. 37m. The dwelling and outbuilding at no. 53 have a plot width of 52m. The two proposed infill sites have widths of 53m and 55m. Officers consider that while these sites are both slightly larger than no. 51 – they are not substantially larger and when looking at the proposed site layout map and from an on the ground perspective, do not look to be out of keeping with the adjacent no. 51. There would be a small access lane left between no. 53 and the westernmost infill site to ensure access is maintained to the agricultural fields to the rear. From the aerial imagery, officers are satisfied that the proposed sites do appear to be akin to surrounding sites in terms of plot width and appears visually to be a gap site of proportionate scale given the surrounding plot sizes.

Officers note the representations objecting to the acceptability of the proposal under infill policy, suggesting that infill policy refers to houses in a town. This infill policy is taken from PPS21 and specifically refers to development in the countryside. As such, and as set out above, officers are satisfied that the proposal does comply with the infill policy and is acceptable in this regard.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements.

In terms of CTY 13 – Integration and design, the proposal would not be unduly prominent on the application site given the bookends of existing development at either side along with limited views of this portion of the lane itself. The two proposed dwellings would be visible from the Drumee Road to the south of the site however they are set back a fair distance to ensure they are not harmful in the adjacent public views. It is considered that suitably designed single storey dwellings could be absorbed into the site without detriment to the surrounding area. The proposal would comply with CTY14 – Rural Character in that the proposal, again, will not be prominent in the landscape, respects the traditional settlement pattern exhibited in the area and doesn't create or add to ribbon development.



View from the Drumee Road looking north at the approximate location of the proposed development.

With regards to residential amenity, officers consider that a suitably designed dwelling could be situated without harmful impact upon nearby dwellings through separation distance and window placement making use of native species hedging surrounding the site. Officers are therefore satisfied there would not be any harmful loss of light or outlook to existing or proposed dwellings and residents. The window placement in the proposed dwellings would be further assessed at RM stage to ensure there was no loss of privacy to either new or the existing dwellings surrounding the site.

In relation to CTY16, the agent indicates connection to mains water and a septic tanks for sewage disposal. There appears to be sufficient land to accommodate a septic tank and soakaways within the red line and subject to gaining the necessary statutory consents from NIEA.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a public road where:

(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic and

(B) The proposal does not conflict with Policy AMP3 – Access to protected Routes (which is not applicable in this case).

In assessment of this policy requirement, DfI Roads were consulted and initially sought amendments to show the entirety of the lands required for visibility splays and lane widening to be included within the red line. Upon receipt of the amended location plan showing splays and a widened lane access., DfI Roads were reconsulted and responded with no objections to these amended access plans. Notwithstanding this, there is ambiguity over whether the proposed development, if approved, would make use of the access as shown on the location plan, or the adjacent and much more accessible access onto the Drumee Road. DfI Roads added a comment to their response advising that this ie the Drumee Road access is the better access however this is not shown within the red line.

While onsite, officers were not able to drive their car up the proposed lane as it was so narrow and overgrown. Further along the lane is a sharp turn which officers do not believe a car could safely manoeuvre around.

Setting this ambiguity aside, the applicant was required to serve notice on the landowners at either side of the lane junction onto the Dundrinne road as they are required to widen the lane to 4.8m for the first 10m. One common objection raised by neighbours was the issue of road safety and access arrangements. The proposed access arrangements and visibility splays appear to be of a design and specification that complies with relevant guidance and the statutory consultee DfI Roads raises no objection.

Paragraph 5.15 of policy AMP2 states that applicants will be expected to have control over the land required to provide the requisite visibility splays and ensure that they are retained free of any obstruction. It adds that a condition will normally be imposed requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

Appeal decision 2021/A0046 in a similar situation regarding access, visibility splays and land ownership considered this lack of land ownership to be highly material and enough to warrant a refusal of permission. In this case, the evidence establishes that the applicant is not in control over the required lands to widen the access land to 4.8m and there is no certainty of their provision in the short to medium term if ever. Representations state that permission to widen the lane will not be given to the applicant. It would therefore not be appropriate to impose a condition to any approval requiring works whose implementation cannot be guaranteed and the proposal would therefore fail to comply with Policy AMP 2.

Policy NHS - Habitats, species or features of Natural Heritage Importance states that permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. Hedgerows are considered to be a priority habitat. The proposed development would require the removal and clearing of a stretch of hedgerow and along the proposed access lane off the Dundrinne Road. The hedgerow at the time of site inspection appeared to

be healthy but unspectacular in terms of its depth and composition of native hedgerow species. A compensatory planting of native species hedgerow along all new boundaries of the proposed dwellings is considered to be an acceptable replacement habitat and this would be secured by condition. The proposal is therefore considered acceptable in this regard.

As such, while the proposal is considered to be acceptable in terms of aspects of Policy CTY8, CTY13 and CTY14, it fails to accord with Policy AMP2. The proposed development therefore fails to meet **other planning and environmental requirements** as required by CTY8 and must fail for this reason.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reason for Refusal:

1. The proposed development fails to comply with the SPPS, PPS21 CTY8 and PPS3 Policy AMP2 in that the applicant cannot demonstrate control over all the lands required to create a safe access onto the Dundrinne Road, thereby prejudicing road safety.

Case Officer Signature: J McMullan

Date: 2 January 2024

Appointed Officer: A.McAlarney

Date: 05 January 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



Reference	LA07/2022/1712/O
Location	Lands between 51 and 53 Dundrinne Road, Castlewellan
Proposal	Proposed 2no infill dwellings and garages

Response to Refusal Reasons

This is an application for 2no infill dwellings and garages, with access onto the Dundrinne Road. The principal of development on the site was accepted by the planning department, as they considered the site a suitable gap site suitable to accommodate two dwellings, however the Department have recommended refusal on the application due to objections received from third parties claiming ownership of the lane.

We feel this is an unreasonable refusal reason, as this has been considered in the past by the PAC as a civil matter, and could have been addressed by way of condition.

Whilst we accept that the existing access onto Dundrinne Road is sub-standard, we engaged with DfI Roads to come to an acceptable arrangement. This led to Roads returning no objections to the application, subject to conditions. We accept that this requires third party land, however we served notice on those affected. The PAC have in the past considered land ownership disputes as civil matters to be dealt with outside the planning process. We therefore feel a suitable condition could have been apply to ensure no works commence until the access is in place- the Department regularly attached such pre commencement condition to applications. It is also a principal of appeal decision making that if a refusal reason can be overcome by a condition, then the appeal must succeed.

The objections received did not contain any verifiable evidence which demonstrates they owned and control the land. When asked for the evidence from the Case Officer, it was apparent that it had not been provided to them either. Therefore, I would have concerns with regards to whether this refusal reason could be sustained at appeal, without verifiable evidence.

As mentioned, DfI Roads provided no objections to the proposed application onto Dundrinne Road, however offered a note to the Planning Department that:

"Note to Planning:

DFI Roads have identified the Drumee access to be the shortest route to a public road and gives more convenient access to the town of Castlewellan. The Drumee access currently meets full standards and does not require any alteration however this access is not within the red line shown."



On receipt of this response, we then offered to amend the scheme to show an access onto the Drumee Road, however the Planning Department were reluctant to accept this as they considered it would need a new application. It is considered to be common practice to accept amended red lines, where these are to satisfy DfI Roads and access requirements, therefore we feel that the amended red line should have been accepted, and this would in turn have removed the refusal reason, as a safe access already exists onto the Drumee Road. It would not require third party land to upgrade or put visibility splays in place. The reliance on a new application will only add further delays and costs to the applicant, as well as hindering an already stretched Planning Department.

In conclusion, we respectfully request that the planning committee overturn the case officers recommendation and approve the application. The application conforms to the overall thrust of PPS21 CTY8. The refusal reasons relating to ownership are considered a civil matter.

DfI Roads have no objections with the proposed access therefore we do not feel this refusal reason on the grounds of ownership could be sustained at appeal, given that there has been no verifiable evidence submitted from the objectors to claim ownership, and it could be suitably dealt with by way of a negative condition.

We offered to amend the red line to utilise the existing, suitable access at the recommendation of DfI Roads. However, the Planning Department would not accept this, considering it amounted to a new application. It is not uncommon for the Planning Department to accept amended red lines for access purposes, therefore we are unsure why this application is being treated differently.

If the Committee deem it acceptable, we can formally submit this red line which would satisfy the refusal reason.

Regional Planning Governance & Legislation



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

11 December 2023

Dear Sir/Madam

PUBLIC CONSULTATION ON THE REVIEW OF THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015 (the Development Management Regulations)

I am writing to inform you that the Department for Infrastructure has issued a public consultation paper on proposals to review The Development Management Regulations.

These proposals are part of the [Planning Improvement Programme \(PIP\)](#) being brought forward by the Department, working closely with local government and partners, to improve current processes and the performance and delivery of the planning system.

The consultation proposes changes in three areas:

- a review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
- proposals to make pre-determination hearings discretionary for councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
- proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.

The public consultation can be accessed via the NI Direct – Citizen Space website at the link below, and submissions can be made online:

<https://consultations2.nidirect.gov.uk/dfi-1/review-of-the-planning-development-management-regu>

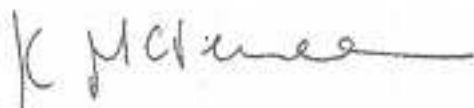
Alternatively, copies of the public consultation documents can be downloaded from the Department for Infrastructure [website](#), requested by email at: Legislation.planning@infrastructure-ni.gov.uk or by phoning NI Direct on 0300 200 7830.

The closing date for receipt of comments is **3rd March 2024**.

You have received this notification because your contact details are contained on a list of consultees used by DfI Planning when issuing public consultations, surveys, questionnaires, etc.

If you no longer wish to receive these notifications, your details can be removed by notifying the department using the same contact details as above.

Yours faithfully




DR KATHRYN McFERRAN
(Acting) Director

**Second Survey Database
District Council Consultation Report**

HB16/28/110

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Address Boundary Post near 9 The Manse Windmill Road Newry Co. Down BT34 2AT	HB Ref No HB16/28/110
Extent of Listing Boundary Post	
Date of Construction 1860 - 1879	
Townland Ballynacraig	
Current Building Use Boundary Marker	
Principal Former Use Boundary Marker	

Conservation Area	No	Survey 1	Not_Listed	OS Map No	266-7NW
Industrial Archaeology	No	NIEA Evaluation	B2	IG Ref	J0917 2651
Vernacular	No	Date of Listing		IHR No	
Thatched	No	Date of Delisting		SMR No	
Monument	No			HGI Ref	
Area of Townscape Character	No				
Local Landscape Policy Area	No				
Historic Gardens Inventory	No				
Vacant	N/A				
Derelict	No				

Owner Category Private

Building Information

Exterior Description and Setting

Granite boundary stone, believed to date from 1871-72, set into rubble walling on the E side of Windmill Road (next to 9 The Manse) about 0.6km E of Newry town centre.

The stone is about 0.4m in height and has a dressed finish and an arched top. It is flush with the wall with only its front face visible. On this face are the incised letters 'M B', which presumably stand for 'Municipal Boundary'.

Second Survey Database District Council Consultation Report

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Interior Overview

Architects

Historical Information

Under the provisions of the Lighting of Towns (Ireland) Act in 1828, local government was established in Newry in the form of the Commissioners of Police. In the years immediately following, a municipal boundary was eventually agreed upon, with the 'area of the town' later stated to have been fixed (and possibly modified?) 'by special act of 1865.' None of these boundaries, however, appears to have possessed 'official' status until 1871, when following the passing of the Newry Improvement and Water Act, the Town Commissioners were formally incorporated as a municipal body and the limits of the settlement laid down, seemingly along those of 1865. This same boundary was later readopted by the Newry Urban District Council, the body which succeeded the Commissioners after the local government reform of 1898.

Whether Newry possessed a series of boundary markers prior to the 1871 Act is uncertain, but the lack of mention of any in the town's newspapers before this, (in an era when such objects were often referenced as location points in relation reports of incidents, property sale notices etc.), suggests it might not have. So too does the fact that in October 1871, the Commissioners appointed Mr. Robert Beard 'for the furnishing of eighteen cut granite stones for borough boundary marks, according to specifications'. It may also be instructive that it is only from mid-1872 that not infrequent allusions to 'boundary stones' begin to feature in the local press.

It is likely that most of the in-situ granite markers we see today belong to those supplied by Mr. Beard (probably Robert Baird, a stone cutter recorded as having a yard in Mary Street in the 1880s), and therefore date from c.1871-72. It is possible, however, that some are later or that more than the 18 mentioned in 1871 were actually commissioned, for at least 20 stones are marked along the Urban District Council boundary on the various editions of the OS maps for this area between 1903 and 1939. The fact that almost all are of the same basic design (and carrying the same inscriptions) makes it difficult to determine if indeed there is indeed any variation in date, and we can only rely on map evidence. That said, it is possible that there are some inconsistencies in the maps themselves, and that certain editions omitted individual stones. For instance, the marker near 3 Temple Hill Road appears on the large scale 1903 map, but not on the small-scale version of the same year, nor on later editions, whilst that further along the same road does not seem to be marked on any maps at all, yet its location is consistent with its having been here since the boundary was instigated. Perhaps the fact that some stones have become (or were always) encased in walls has led to their being overlooked, but this does not explain those that have always been freestanding – unless they were obscured from view for a period by overgrown grass or shrubbery.

Boundary stone near 9 The Manse, Windmill Road - This particular stone is marked on the OS map of 1903 and is likely to have been one of the series of markers put in place in 1871-72 to delineate the jurisdiction of the newly incorporated Town Commissioners. It is set within a tall wall that originally enclosed the western side of the grounds of a pre-1830s house (that later became the manse for Riverside Reformed Presbyterian Church). As such it is possible that the stone may have been set into the wall, rather than the wall built around it.

References – Primary sources

- 1 Lighting of Towns (Ireland) Act, 1828
<https://www.irishstatutebook.ie/eli/1828/act/82/enacted/en/print.html>
- 2 Newry Improvement and Water Act, 1871 <https://www.legislation.gov.uk/ukla/Vict/34-35/198/contents/enacted>
- 3 'Newry Telegraph' – 3 October 1871, p.3; 29 August 1872, p.3; 24 October 1872, p.3; 14 April 1874, p.2; 14 November 1889, p.3; 12 June 1897, p.3
- 4 'Newry Reporter' – 29 July 1879, p.3; 4 June 1907, p.8
- 5 OS Maps, County series, Armagh sheet 46, Down sheet 50 – 1903-06, 1919, 1939

**Second Survey Database
District Council Consultation Report**

HB16/28/110

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Secondary sources

- 6 Canavan, Tony, 'Frontier town – An illustrated history of Newry', (2nd ed., Drogheda, 2009), pp.114, 140-47
7 Information from Mr. John McCabe – October 2023

Online sources

- 8 https://issuu.com/visitmourne/docs/all_politics_is_local (accessed 29 November 2023)
9 <https://www.newry.ie/newry-100-years-ago/newry-s-municipal-boundary-stones-investigated> (accessed 29 November 2023)
10 <https://www.newryjournal.co.uk/history/1800-1900/town-boundary-from-1839/> (accessed 29 November 2023)

Criteria for Listing

NB: In March 2011, revised criteria were published as Annex C of Planning Policy Statement 6. These added extra criteria with the aim of improving clarity in regard to the Department's explanation of historic interest. For records evaluated in advance of this, therefore, not all of these criteria would have been considered. The criteria used prior to 2011 are published on the Department's website under 'listing criteria'.

Architectural Interest

- A. Style
B. Proportion
J. Setting
K. Group value

Historical Interest

- R. Age
Z. Rarity
T. Historic Importance
Y. Social, Cultural or Economic Importance
X. Local Interest

Evaluation

This granite boundary stone is one of 14 mainly identical markers set along Newry's former municipal limits. Believed to have been put in place in 1871-72 (with several possibly later), all 14 are still largely intact and as a group constitute one of the most complete sets of such features in the whole of Northern Ireland. They are also, of course, important local artefacts, marking - both literally and metaphorically - the town's growth and regional importance during the mid to later Victorian period. This particular stone is encased in a wall (though it may always have been so), however, as part of the wider collection of such markers in Newry area it remains of value.

Replacements and Alterations

Inappropriate

If inappropriate, Why?

Boundary stone set into walling; however, the wall may predate the stone.

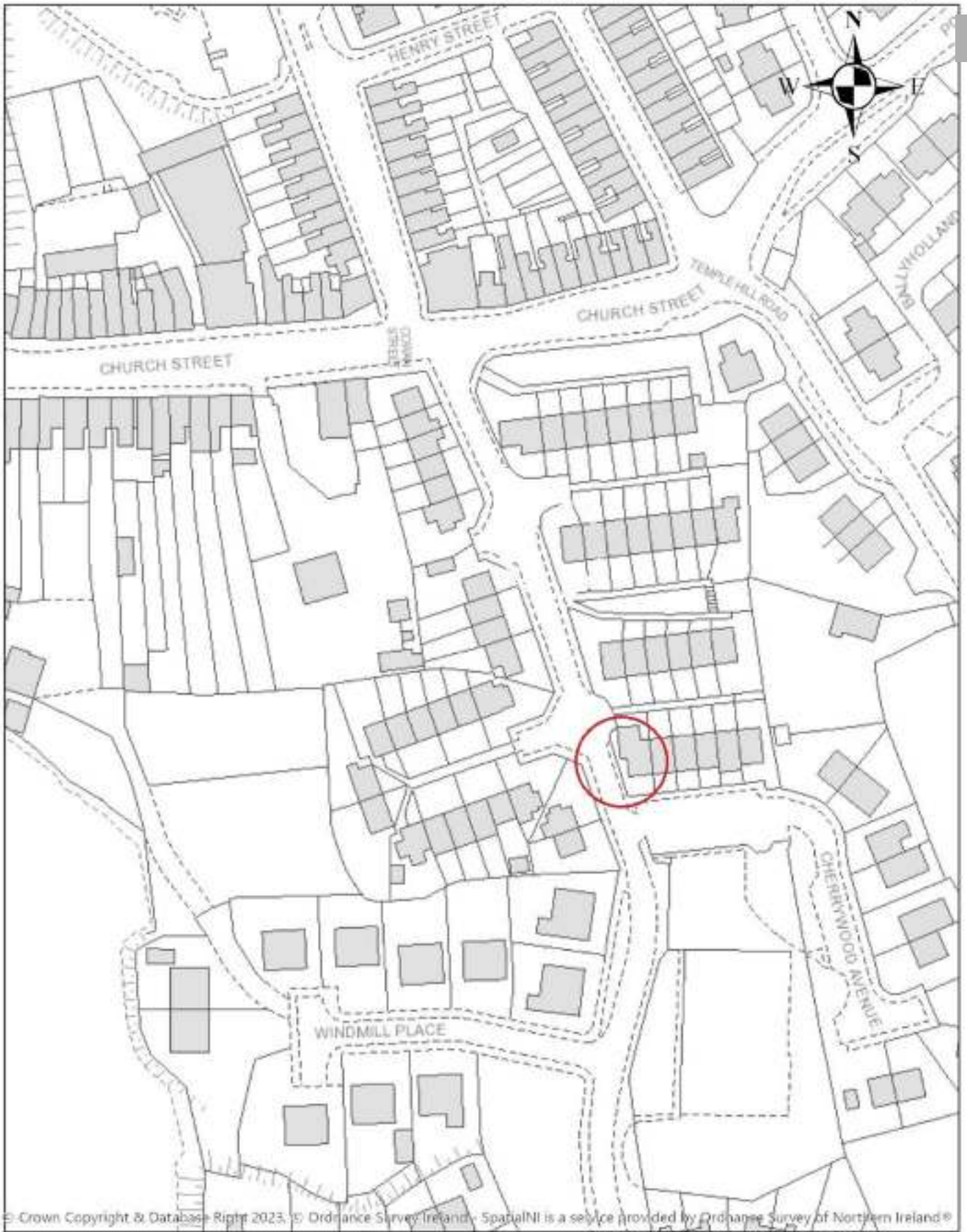
General Comments

Previously a LQ HB16/LQ095

Monitoring Notes – since Date of Survey

Date of Survey 22/11/2023

Coordinates: 309170E m333,800 326510N m372,775



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**Location Map Boundary
stone near 9 The Manse
Windmill Rd Newry**



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Title: HB16/28/110
Scale: 1:1250

Date Printed: 05 December 2023

Drawn By: JMCL





**FORTY-SIXTH ADDITION TO THE LIST OF BUILDINGS OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

Department for Communities
Causeway Exchange
1 – 7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Dated 8th January 2024

HISTORIC BUILDINGS LIST NUMBER 4099

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

SCHEDULE

46th ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB 16/21/041	252/6SW	J0645 3275	Road bridge over railway including walling, stone piers at each end and stone piers beneath deck adjacent to 63 Kilmomaghan Road Newry Co Down BT35 6QD		B2	<p>Industrial-style metal road bridge with latticework balustrading supported on stone piers over the Dublin and Belfast junction line, built between 1906 and 1928, located on Kilmomaghan Road approximately 5 miles N of Newry, Co Down. This bridge replaces an earlier wooden bridge in this location with the existing piers being a probable remnant of the earliest bridge.</p> <p>The balustrading is constructed of overlapping painted steel diagonal members forming latticework, secured by painted steel rivets. The steel members are embossed with both 'GLASGOW STEEL' and 'Port Talbot Steel Ltd', the latter dating the structure to between 1906 and 1928 when the steel company was active.</p> <p>The engineer-in-chief employed by the Dublin and Belfast Junction Railway was Louth-born Sir John Macneill, a former pupil of Thomas Telford and a prolific railway engineer, who also designed a bridge over the Royal Canal, which was the first iron lattice bridge in Britain and Ireland. Macneill also designed the Craigmore Viaduct (HB16/24/004), the Egyptian Arch (HB16/23/001) and the Boyne viaduct. In his academic life he was professor of Civil Engineering at Trinity College, Dublin (1842-52).</p> <p>This bridge retains much original historic fabric and appears to be the only bridge of</p>	1920 - 1939

PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated 8th January 2024



Senior Officer for the Department for Communities

NOTE Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building: -

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.



**FORTY-SEVENTH ADDITION TO THE LIST OF BUILDINGS OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

Department for Communities
Causeway Exchange
1 – 7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Dated 8th January 2024

HISTORIC BUILDINGS LIST NUMBER 4100

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

SCHEDULE

47th ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB16/21/061	252/5NW	J0412 3328	Church of the Immaculate Conception including front boundary walling, railings and gates 21 Lissummon Road Sersse Newry Co Down BT 35 6NA		B1	<p>The Church of the Immaculate Conception, Parish of Lower Killeavy was constructed between 1934 and 1936 to designs by Ralph Henry Byrne. It is located in Lissummon, approximately 5.5 miles NW of Newry, Co Down. A Lombardic-Romanesque style Roman Catholic church constructed in dark red Dungannon brick in English garden wall bond with reconstituted fire-cast stone dressings.</p> <p>This is an intact example of an ornate rural church with rich detailing to the exterior such as decorative reconstituted stone surrounds, a rose stained-glass window, original bolection moulded timber doors and retention of the stone dial from the former St Patrick's pre-emanipation church located at the graveyard opposite.</p> <p>The interior also retains much original historic detailing with the rear sanctuary wall being of particular note with a richly coloured mosaic depicting religious symbolism.</p> <p>Ralph Henry Byrne was the son of William Henry Byrne, whose Dublin architectural practice was responsible for the design of churches all over Ireland. This is an unusually decorative and stylistic example of a mid-1930s church in a rural location and is of local and social significance.</p>	1920 - 1939

Further information on these records can be accessed on the historic buildings database at www.communities-ni.gov.uk

PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated 8th January 2024



Senior Officer for the Department for Communities

NOTE Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building: -

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.



**FORTY-EIGHTH ADDITION TO THE LIST OF BUILDINGS OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

Department for Communities
Causeway Exchange
1 – 7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Dated 8th January 2024

HISTORIC BUILDINGS LIST NUMBER 4101

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

SCHEDULE

48th ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE
NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB16/23/006	266/6 NE	J0533 2842	Friends Meeting House 17 Derrymore Road Bessbrook Co Down BT35 7DN		B1	<p>A well-preserved Quaker Meeting House constructed in 1864 within Derrymore Demesne. The somewhat austere building reflects the Quaker faith of its builder John Grubb Richardson, founder of Bessbrook model village, and remains much as originally constructed, with a particularly fine original interior. While the architect of the meeting house is unknown, the Richardsons are known to have employed civil engineers for constructing mill buildings and at least one engineer designed buildings elsewhere in the village in the closing decades of the 19th century. It is possible, therefore, that an engineering employee of the spinning firm drew up the designs for the Meeting House.</p> <p>The scale and mass of the building, and the plain appearance constructed in local Carrickrackan granite, together with the open interiors supported by beams and columns, with purposeful lack of adornment is principally an expression of the puritan roots of Quakerism, which is nourished by an inward faith and shuns elaborate symbolism'. The building is surrounded by adjoining burial ground which was first used in 1865 and has c300 recorded burials, although only about 50 of these bear grave markers. Headstones are of a uniform height, with simple inscriptions, according to the regulations of the Society of Friends, and</p>	1860 - 1879

						<p>often include the Quaker terms for days of the week and months of the year e.g. First Day, First Month etc. The uniformity in burial markers is intended to discourage social differences and is intended to serve as a reminder that, 'God is no respecter of persons'.</p> <p>The setting of the meeting house, within the oak wood of Derrymore, was chosen as a secluded place beyond the bustle of the village itself. Silence being a key element of Quaker services, the tranquillity of the location was thought to be an aid to worship. The meeting house and burial ground continue in use (2023) and externally and internally there have been few changes since the Meeting House was first conceived.</p>
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Further information on these records can be accessed on the historic buildings database at www.communities-ni.gov.uk

PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated 8th January 2024



Senior Officer for the Department for Communities

NOTE Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building: -

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting Consultee response.	N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley	NIEA requested further information. Agent advised	N
LA07/2017/0978/F and LA07/2017/0963/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	Amendments with Consultee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 27 JULY 2022					
PLANNING COMMITTEE MEETING 16 NOVEMBER 2022					
LA07/2020/1651/F	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description) 75m north of 18 Ballinasack Road, Mullaghbawn, Newry.	Defer for a site visit at December Planning meeting	P Rooney	Site visit – 18-01-2023 – return to Planning Committee on 08-02-2023 Defer for clarification in	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				relation to the points raised by Legal	
	PLANNING COMMITTEE MEETING 08 FEBRUARY 2023				
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N
	PLANNING COMMITTEE MEETING 08 MARCH 2023				
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carnivekeeny Road Newry Co. Down.	Defer	P Rooney/A Donaldson		N
	PLANNING COMMITTEE MEETING 26 JULY 2023				
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick		N
	PLANNING COMMITTEE MEETING 23 AUGUST 2023				
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access - 4 Majors Hill, Annalong	Defer determination to explore further options regarding the	M Keane	Revised proposals submitted for lay-by.	N

		development of a lay-by for the proposed application.		Ongoing with agent/DFI Roads	
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit	N
PLANNING COMMITTEE MEETING 10 JANUARY 2024					
LA07/2020/1651/F -	75m north of 18 Ballinasack Road, Mullaghbawn, Newry BT35 9XT -	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)	P Rooney	Deferred for a site visit	N
LA07/2021/1660/F	250m SE of 19 Nutgrove Road Annadorn, Downpatrick -	Dwelling	A McAlarney	Deferred to be heard at Feb Committee	N
LA07/2022/0246/F	Lands approx. 160m SE of 35 Clanmaghery Road, Tyrella, Downpatrick	3 eco-pods, amenity room, ancillary car park, associated site works	A McAlarney	Deferred to be heard at Feb Committee	N
LA07/2023/2125/0	Lands adjacent and SW of No.3 Tullydonnell Road Silverbridge	Site for Dwelling	M Fitzpatrick	Deferred to be heard at Feb Committee	N