



April 1st, 2021

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Thursday, 8th April 2021** at **10:00 am** in **Microsoft Teams**.

**Committee Membership:**

- Councillor R Burgess (Chair)
- Councillor J Tinnelly (Deputy Chair)
- Councillor P Brown
- Councillor S Doran
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor D Murphy
- Councillor D McAteer
- Councillor G O'Hare
- Councillor G Stokes
- Councillor J Trainor

# Agenda

## 1.0 Apologies.

## 2.0 Declarations of Interest.

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

- Item 6 - LA07/2020/0013/F – Cllrs. Brown and Doran are not eligible to take part in the discussion/decision on this application
- Item 7 – LA07/2020/0167/F – Cllrs. Brown, Doran and Trainor are not eligible to take part in the discussion/decision on this application
- Item 8 – LA07/2020.1000/0 – Cllrs. Brown, Doran and McAteer are not eligible to take part in the discussion/decision on this application
- Item 9 – LA07/2020/0079 – Cllrs. Brown, Doran and Harte are not eligible to take part in the discussion/decision on this application
- Item 10 – LA07/2020/0669/F – Cllrs. Brown and Doran are not eligible to take part in the discussion/decision on this application

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### *Minutes for Confirmation*

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## 4.0 Minutes of Planning Committee Meeting held on Wednesday 10 March 2021. (Attached) .

 *Planning Committee Minutes 10-03-2021.pdf*

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### *For Discussion/Decision*

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

 *Addendum list - 08-04-2021.pdf*

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

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## 6.0 LA07/2020/0013/F Approx 80m north of 64 Dromara Road Ballyward Castlewellan Farm building and animal handling facility and hardstanding. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application

**7.0 LA07/2020/0167/F The Manse 17 Downpatrick Road Crossgar New Manse and detached domestic garage. (Case Officer report attached).**

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (David Burgess, agent, will be in attendance to answer any questions Members might have).

LA07-2020-0167-F Downpatrick Rd Crossgar.pdf

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**8.0 LA07/2020/1000/O Lands between 5 and 9 Billy's Road Ballyholland Newry Proposed infill dwelling (Amended Certificate of Ownership submitted). (Case Officer report attached).**

APPROVAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Anthony Grimes, agent, will be in attendance to answer any questions Members might have).

LA07-2020-1000-O- Between 5 and 9 Billy's Road.pdf

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**9.0 LA07/2020/0079/O Lands approximately 50m north west of No.53 Ayallogue Road Newry Dwelling and garage on gap site. (Case Officer report attached).**

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Michael Clarke from O'Callaghan Planning, will be in attendance to answer any questions Members might have).

LA07-2020-0079-O.PDF


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**10.0 LA07/2020/0669/F 90m SE 21 Ballynalack Road Ballynalack Camlough 2 dwellings and 2 garages. (Case Officer report attached).**

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are

permitted on this application. (Colin O'Callaghan Planning, will be in attendance to answer any questions Members might have).

 [LA07-2020-0669-F.PDF](#)


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

#### **11.0 LA07/2020/1888/F 6 Pinewood Glen Crossmaglen Single storey extension to existing dwelling. (Case Officer report attached).**

APPROVAL

- Addendum list

 [LA07-2020-1888-F 6 Pinewood Glen.pdf](#)

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#### **12.0 LA07/2020/1394/O 90m West of No16 Desert Road Mayobridge Newry BT34 2JB Proposed 1 1/2 Storey dwelling (Ridge Height of 7.5m) and garage. (Case Officer report attached).**

REFUSAL

- Addendum list

 [LA07-2020-1394-O- 90m W of 16 Desert Road.pdf](#)

Page 59


#### **13.0 LA07/2019/1375/F Lands immediately south of 17 Leitrim Road Ballymaginaghy Castlewellan Co Down Erection of 2 Dwellings. (Case Officer report attached).**

REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan Planning, in support of the application. **(Submission attached)**

 [LA07-2019-1375-F Leitrim Road - 2 Infill dwellings.pdf](#)

Page 65

 [Item 13 -LA07-2019-1375-F.pdf](#)

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#### **14.0 LA07/2020/0299/F Adj. to 7 Annacloy Road North Dunnanelly Downpatrick Single storey dwelling. (Case Officer report attached).**

REFUSAL



- A request for speaking rights has been received from Brian Kennedy, agent, in support of the application. **(Submission attached)**.

📄 *LA07 2020 0299 F COR.pdf*

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📄 *LA07 2020 0299 F Addendum.pdf*

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📄 *Item 14 - LA07-2020-0299-F.pdf*

*Page 81*

## **15.0 LA07/2019/1312/F Between 12 & 16 Lisinaw Road Crossgar Two Infill Dwellings and Garages. (Case Officer report attached).**

### **APPROVAL**

- A request for speaking rights has been received from Robert Allen, Michael Armer and Ian Gibson in objection to the application. **(Submission attached)**.

📄 *LA07 2019 1312 F\_Lisinaw.pdf*

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📄 *Item 15 - LA07-2019-1312-F (objection).pdf*

*Page 96*

## **16.0 LA07/2020/0340/F Land 750m NE of 82 Audleystown Road. Strangford Dwelling (Change of house type of that previously approved under R/1981/0030/F). (Case Officer report attached).**

### **APPROVAL**

- A request for speaking rights has been received from David Donaldson, Planning, and Micah Jones, Architect, in support of the application. **(Submission attached)**.

📄 *LA07\_2020\_0340\_F Audleystown Road.pdf*

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📄 *Item 16 - LA07-2020-0340-F.pdf*

*Page 110*

## **17.0 LA07/2020/0782/F Shimna Integrated College 5A Lawnfield King Street Newcastle Demolition of existing school facilities and construction of a new school building and ancillary accommodation with associated hard and soft play areas, parking, landscaping and site works. (Case Officer report attached).**

### **APPROVAL**

- A request for speaking rights has been received from Gary Dodds and Sam McKee, agents, and Jonathon Skelton (Doran Consulting) in support of the application. **(Submission attached).**

📎 *LA07.2020.0782.F - Shimna College COR V2 (signed 22.03.2021) .pdf*

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📎 *Item 17 - LA07-2020-0782-F.pdf*

*Page 125*

## **18.0 LA07/2020/1292/O Lands located between Nos 2 & 10 Glassdrumman Road Ballynahinch Erection of 2 detached infill dwellings and garages. (Case Officer report attached).**

### **APPROVAL**

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

📎 *LA07-2020-1292-O 2 10 Glassdrumman Road 2xinfll.pdf*

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📎 *LA07\_2020\_1292\_O\_Addendum.pdf*

*Page 134*

📎 *Item 18 - LA07-2020-1292-0 (objection Mr Duff).pdf*

*Page 135*

## **19.0 LA07/2020/1780/O Approx 85m N of 28 Drumnaconnell Road Saintfield BT24 7NB Replacement dwelling and retention of original for ancillary use. (Case Officer report attached).**

### **APPROVAL**

- A request for speaking rights has been received from Mr Gordon Duff in objection to the application. **(Submission attached).**
- A request for speaking rights in support of the application has been received from David Burgess, agent. **(Submission attached).**

📎 *LA07-2020-1780-O 28 28 Drumnaconnell Road.pdf*

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📎 *iTEM 19 - la07-2020-1780-0 (objection Mr Duff).pdf*

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📎 *Item 19 - LA07-2020-1780-0.pdf*

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***For Discussion/Decision***

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## **20.0 Review of the implementation of The Planning Act 2011 - Call for Evidence.**

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***For Noting***

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## 21.0 Historic Actions Tracking Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated March 2021.pdf*

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## 22.0 Planning Committee Performance Report - March 2021.

## 23.0 March Planning Appeals and Decisions.

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### *Local Development Plan Items - Exempt Information*

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## 24.0 LDP: Planning Policy Review - Telecommunications. (Attached).

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

 *PC Report re LDP PPR - Telecommunications.pdf*

*Not included*

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## 25.0 LDP: Planning Policy Review - Open Space, Sport and Recreation. (Attached).

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

 *PC Report re LDP PPR - Open Space, Sport and Outdoor Recreation.pdf*

*Not included*

# **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

## **Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 March 2021 at 10.00am via Microsoft Teams**

**Chairperson:** Councillor R Burgess

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

Councillor P Brown  
Councillor G Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor D McAteer  
Councillor D Murphy  
Councillor G O'Hare  
Councillor G Stokes  
Councillor J Tinnelly  
Councillor J Trainor

### **(Officials)**

|                |  |
|----------------|--|
| Mr C Mallon    | Director Enterprise Regeneration & Tourism (via Teams) |
| Mr A McKay     | Chief Planning Officer                                 |
| Mr P Rooney    | Principal Planning Officer                             |
| Mr A Hay       | Principal Planning Officer                             |
| Mr M McQuiston | Senior Planning Officer (via Teams)                    |
| Ms A McAlarney | Senior Planning Officer (via Teams)                    |
| Mr M Oliver    | Planning Officer (via Teams)                           |
| Mr F O Connor  | Legal Advisor (via Teams)                              |
| Ms N Largey    | Legal Advisor  |
| Ms S Taggart   | Democratic Services Manager (via Teams)                |
| Ms C McAteer   | Democratic Services Officer (via Teams)                |
| Ms P McKeever  | Democratic Services Officer (via Teams)                |

### **P/020/2021: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor S Doran.

### **P/021/2021: DECLARATIONS OF INTEREST**

No declarations of interest.

### **P/022/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

**Item 6 - LA07/2020/0788/F** - Councillor Brown did not take part in the discussion/decision on this application.

**Item 7 - LA07/2020/0843/LBC** - Councillor Brown did not take part in the discussion/decision on this application.

### **MINUTES FOR CONFIRMATION**

**P/023/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 10 FEBRUARY 2021**

**Read:** Minutes of Planning Committee Meeting held on Wednesday 10 February 2021. **(Copy circulated)**

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 February 2021 as a true and accurate record.

### **FOR DISCUSSION/DECISION**

**P/024/2021: ADDENDUM LIST**

**Read:** Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 March 2021. **(Copy circulated).**

**AGREED:** On the proposal of Councillor Stokes seconded by Councillor O'Hare it was agreed to remove the following Planning Application from the addendum list to allow for full presentation at the next Planning Committee Meeting.

- LA07/220/0299/F – single storey dwelling – adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick **REFUSAL**

**AGREED:** On the proposal of Councillor Stokes seconded by Councillor Trainor it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 10 March 2021:

- LA07/2020/1155/F - Proposed football ground to accommodate the relocation of Newcastle Football Club. Development comprises 3no football pitches(1no full sized intermediate standard grass pitch, 1no U12 grass pitch and 1no small sided 3G games Pitch), new access to church Hill, Club house, temporary portacabin for use as temporary changing facilities, equipment store, ball stop netting, spectator seating, fencing, car parking, new entrance gates, landscaping and associated works - Lands approx. 15m west of No 1 Church Hill and approx. 50m south of No's 2-7 Country Cottages Church Hill Newcastle **APPROVAL**

- **LA07/2020/1258/F** - Multi-use, non-bitmac, compacted gravel community trails - Daisy Hill Wood, Pound Road, Newry  
**APPROVAL**

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

### **P/125/2021: PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were determined by the Committee.

The Chairman advised that Planning Applications (1) LA07/2020/0788/F and (2) LA07/2020/0843/LBC would be determined together.

#### **(1) LA07/2020/0788/F**

##### **Location:**

Mourne Park House Mourne Park Kilkeel Newry BT34 4LB.

##### **Proposal:**

Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance

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

Refusal

#### **(2) LA07/2020/0843/LBC**

##### **Location:**

Mourne Park House Mourne Park Kilkeel Newry BT34 4LB

##### **Proposal:**

Refurbishment of and extension to existing fire damaged Mourne Park House and associated outbuildings to create a new luxury hotel comprising of hotel bedrooms, restaurant, function room, spa facilities, associated car parking and site works

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

Refusal

### **Speaking rights: (via Teams)**

#### **In support:**

Mr Karl Pedersen, Architect presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr McKay advised that as full presentations had been given at the Planning Committee Meeting on 10 February 2021 in relation to Planning Applications LA07/2020/0788/F and LA07/2020/0843/LBC, and a site visit had subsequently taken place, he did not intend to



revisit the presentations. He advised the Committee Members that Nicola Golden from HED Historic Buildings, Andrew Gault and Adrian McAleenan from Historic Monuments were in attendance via Teams, to answer any questions pertaining to the proposal.

### Issues raised:

In response to a request from Councillor Larkin to Mr Pederson to outline the benefits the proposal would have, Mr Pederson listed the following points:

1. It was the only available option to secure the future of Mourne Park House buildings and historic landscape.
2. There was full public and business sector support for the scheme.
3. The gardens would become accessible to the public.
4. The proposal would result in 55,000 visitors to Newry, Mourne & Down annually
5. It would act as a catalyst for Covid recovery.
6. It would have a very significant economic impact within the Council area, with £30M injected into the construction economy, £3.5M to the payroll economy, £1.7M to the supply chain economy, the creation of 430 construction jobs and 120 full time jobs.

Mr Pederson said the issue of concern from a planning perspective was the size of the proposed development, however, he said the scheme was the size it needed to be to be economically viable. Mr Pederson also said if the Committee were to grant planning permission, they would be content to accept any conditions that were attached.

Mr Gault clarified there were two sections within the planning team of HED: 1. Historic Monuments Section and 2. Historic Buildings Section. Mr Gault said he and Mr McAleenan were from Historic Monuments Section and they would be commenting in the context of Policy BH6 – design landscape and Ms Golden would be commenting in the context of listed buildings.

Ms Golden said conditions had been raised by Historic Buildings Section to help satisfy policies BH7 and BH8. She said they had requested detailed sections showing connections between old and new. She said she accepted the house was burned out but it was listed in its own right as a Grade B+, she said the two outbuildings to the rear remained largely intact and were listed Grade B1. Ms Golden said they would normally expect more detail to have been provided and while she accepted they were open to a change of use and that some degree of development was necessary to facilitate the new build portion, she considered the extent of the development was the main issue of concern.

Mr Gault said the issues raised under BH6 could not be addressed by conditions.

Ms Golden said the HED did not take financial viability into consideration in their determination and Mr Gault added they commented under the framework of Planning Policy PPS6 which did not make any consideration for any financial viability.

Ms Golden cited several similar type projects that had been restored as private dwellings and said there was nothing to stop a private owner from opening the gardens to the public.

Mr Pederson said in relation to Policy B6 – protection of parks and gardens, there was no mechanism in place for the upkeep of the buildings and landscape and the proposal would safeguard both landscape and the gardens, but if not granted there would be a loss and harm caused to the historic landscape.

Mr Pederson said he considered that sufficient information had been submitted to the planning application to be processed and best practice had been followed.

Mr McKay said they had assessed the application based on the information submitted and considered it to be unacceptable in planning terms. He added their colleagues in HED had agreed the scale of the proposal would have such an adverse impact that it could not be recommended for approval. Mr McKay said the current proposal made provision for 120 beds and agreed the overall scale and size had been reduced, but did not go far enough, and although he accepted the 7 benefits outlined by Mr Pederson, he said on balance he could not give determining weight to them against the genuinely held concerns in terms of the impact on the historic environment.

Mr Pederson said he disagreed with the comments made by Mr McKay and said the scheme had been adjusted in numerous ways to try and appease the concerns raised by HED. He said the proposal would address some of the points raised in the Council's Tourism Strategy. In response to a query regarding the removal of trees, Mr Pederson said there were currently 120 trees, they proposed to remove 12, which were coming to the end of life, and replacing them with an additional 340 trees.

Councillor Murphy referred to Killeavey Castle saying it was an example of a disused and dangerous building that had been restored and its future secured and asked HED if they believed the proposal would secure the future of the buildings and gardens.

Mr Gault said the restoration to Killeavey Castle had resulted in an adverse impact to the landscape and was in the process of being removed from the list of heritage assets.

Mr McKay said it was quite likely if the scheme got planning approval, the house and gardens would be restored to something resembling their former glory, but the impact would be such that it would result in it being removed from the list of heritage assets. Planning had requested evidence to justify the size and scale to restore the house and gardens but had received information suggesting it was a profitable undertaking, Mr McKay said this was insufficient information to conduct a proper assessment. Mr McKay continued, saying Newry Mourne and Down District Council had approved planning applications specifically for hotel development in the area that met the shortfalls identified.

Councillor McAteer asked the HED if some of the concerns raised regarding the retainment of character and setting of the proposal could be addressed. Ms Golden said the main concern from a historic buildings perspective came under Policy BH11 and was primarily the scale of the extension and although she accepted the applicant had made efforts to reduce the impact he had not reduced the accommodation provision and consequently the size of the function room and extent of car parking required to serve the accommodation resulted in the development having dominance over the listed building. Mr Gault said the proposal had been assessed against paragraph 5.3 of Policy BH6 in terms of impact, design concept, overall quality and setting, trees and woodland and the site's contribution to local landscape character and historic views. The house and parkland around it were carefully designed in the early 19<sup>th</sup> century to have a particular character, which was still evident today. Mr Gault said the proposal would involve putting a very large development into what was designed to be trees, landscape and pasture, resulting in changing the topography of the site and would be contrary to the points that Policy BH6 set out to protect.

Councillor McAteer asked Mr Pederson if the design could be altered to reduce the height of the two hip roofs that were sitting above the line of the original buildings. Mr Pederson said they had worked within the constraints of the site and the proposal had been reduced in size to the absolute minimum to still ensure viability. He said the buildings had all been developed over a period of time with the first building in 1806 which was a hunting lodge, then further extensions followed in 1820, 1859, 1892, 1904 and in 1921 the front door was moved from the south to the west. In addition, the approach roads had been changed



various times over the years. Mr Pederson said the current proposal was no different in that it was a continuation of previous ideology and thought processes. Mr Pederson said the proposed buildings had a lower ridge height than Mourne Park House and following discussions with HED they had moved the building back on the site so the main building and buildings behind that became even more prominent. They had taken cognisance of roof heights, eaves heights and window heights. He said because they had been asked to move the building back it would now be located close to the existing buildings at the rear of the site. It was proposed to use high quality materials to produce a 5 star development and had a lot of research in terms of looking at old photographs of the site to try and provide the absolute optimum development.

Mr Gault said the design landscape had been developed in the early – mid 19<sup>th</sup> century and had survived unchanged. The development of the buildings had been carefully designed to minimise the impact on the main building which was in total contrast to the current proposal.

Ms Golden acknowledged the agent had made efforts to meet the concerns raised by HED, however the accommodation had not been reduced significantly thereby creating a sense of imbalance when compared with the footprint of the existing site plan. She said the function room was of primary concern and they had suggested it be moved to where the tennis courts were currently located, but the agent did not consider this would work for the functionality of the hotel. She said the main stumbling block was the extent of the requirements needed to cater for a 120 bedroom hotel. In terms of the viability of the scheme, HED had not been consulted on the other feasibility options, one of which was a boutique hotel with chalets dispersed throughout the site and whilst she could not comment on the extent of the bedroom provision this option would deliver, she said there may have been more opportunity for it to work better within the landscape than the current proposal of one big development to the west of the site.

In response, Mr Pederson said the only financially viable option was the current one and he said there was still a primary house as before, a series of courtyards, as before, and the new wings for the bedrooms created a new 21<sup>st</sup> century courtyard, which he said just continued the pattern that had been created throughout the years. Mr Pederson disagreed with Mr Gault that the landscape had remained unchanged and said the Jubilee Drive was once the main access route into the site but it was now overgrown and various other changes had taken place over the years, so he considered the character of the landscape had changed and developed.

Mr Gault said his comments did not relate to alterations to the building but rather to the design landscape, which, he considered hadn't changed since the mid 19<sup>th</sup> century.

In response to Mr Gault's comments, Mr Pederson said the original access route no longer existed. He said the total size of the demesne was 1194 acres and the development application was 10.9 acres which was less than 1% of the total demesne area and therefore he did not consider the proposal impacted in any way on the design of the demesne.

In advance of a proposal being made, Ms Largey raised the following points of clarity:

- Council's Tourism Strategy was not a Planning Policy Document, and in relation to tourism, the policy document to be considered was PPS 16. Whilst the Tourism Strategy was a material consideration, it should not be given determinative weight over Planning Policy PPS16.
- It was the responsibility of the Committee Members to assess the application before them and whilst it was the role of the HED to protect the historic environment, it was

the Council's role to decide what the applicant did with the property, but rather to assess the application in accordance with relevant planning policies and other material considerations.

- It was important to approach the representations from the applicant and agent with a relevant degree of caution and with an enquiring mind. Discussions relating to financial viability were matters of planning judgement for the Committee to decide and there was no requirement for the applicant to discuss viability issues with HED.

Councillor Tinnelly said it went without saying that HED had a very important role to play in these type of applications to protect historic buildings and domains. However as Councillors, when presented with very rare applications such as this, they also had a very important role to play and having listened to all the presentations, they had to adjudicate on two balances. He said in his view the applicant and their agent had made a very compelling argument for the proposal they presented as being the only viable one. He said what he heard from HED guaranteed nothing more than the continued deterioration of and decay of this building, whereas the proposal guaranteed a restoration of this stunning building and site to be preserved for the future.

Councillor Tinnelly proposed to issue an approval in respect of planning applications LA07/2020/0788/F and LA07/2020/0843/LBC, contrary to officer recommendation, based on his comments above.

Councillor Hanna seconded Councillor Tinnelly's proposal to overturn the officer recommendation and grant approval on these applications and said in his view tourism was a material consideration as the Planning Committee sat inside the ERT Department, whose role was also the promotion of tourism, and this application fitted very neatly into this niche. He said there would be substantial gains with the restoration of the house and the retention of the gardens which would now be made available to the whole community. He referred to the CTY reasons for refusal and said this would be a community facility to serve the local rural community and therefore this proposal met Policy. He said from the evidence he had seen during the site visit and reading all the paperwork that had been presented, there would be development on the site to facilitate the scheme but in his view there would be a significant economic impact and this had to be taken into consideration.

Councillor Hanna said there would be a planning gain as there was going to be substantially more trees being planted and policy CTY4 re-use and refurbishment of locally important buildings was being fulfilled as the building in Mourne Park House would be restored and the community would have significant benefit from this. He said under the Strategic Planning Policy Statement the main objection was on the size of the building and whilst he acknowledged there would be an impact but size did matter on a scheme like this for a hotel complex which had to be built to be profitable.

Councillor Hanna said he believed conditions could be attached to any approval so that enough could be done to satisfy HED concerns. He said it was now the 21<sup>st</sup> century and the site would be gaining a new courtyard.

Councillor Hanna referenced refusal reasons BH6, 7 and 8 and said some of these overlapped to a certain extent and the first big gain was the protection of all the gardens, the existing lake and the swimming pool and the substantial walks from which the whole community would gain advantage from. He said with regard to BH8 a, b and c, extension or alteration of a listed building, he believed conditions could be put on that would address all the essential characteristics of the building, the materials to be used, the architectural detail, to satisfy HED as much as possible.

Councillor Hanna said there would be a significant economic benefit to the Mourne area in particular. He said the Kingdom of Mourne did not have this type of facility and the setting of Mourne Park in 1200 acres was an ideal location for this particular development and the economic benefit to the whole of the Newry and Mourne District was going to be significant.

Nora Largey, legal advisor said the Committee had heard the proposal and there was a lot of detail in it. She asked if Members were minded to vote in accordance with the proposal, before they voted, that it might be appropriate to defer making a final decision to allow officers to go away and work up those reasons for refusal and bring these back through Planning Committee.

The proposer and seconder of the proposal agreed that final authority to finalise the reasons for overturning the officer recommendation and that conditions be delegated to officers.

The Committee then took a short break before moving to a vote on these applications.

When the meeting resumed Nora Largey said that if Members agreed with the proposal to overturn the officer recommendation, that authority be delegated to officers to finalise the reasons for overturning the officer recommendation and that these proposals would be based on comments made by the proposer and seconder. These would be finalised and officers would draw up the conditions based on their delegated authority.

Ms Largey advised this was a major application in respect of which there had been a significant objection from a statutory consultee and therefore Planning legislation required that once Committee made a decision to approve contrary to that objection, then the application had to be referred to the Department and the Department may then decide to call in the application. She said if the Department decided to call-in the application then the Minister would make the decision in respect of the application or alternatively if the decision was made not to call it in the Department would return the application to the Council and then the Council must have a further meeting to finalise its decision in respect of the application.

The proposal to issue an approval in respect of planning applications LA07/2020/0788/F and LA07/2020/0843/LBC, contrary to officer recommendation and to grant authority to officers to finalise the reasons for overturning the officer recommendation on the basis of the comments made by the proposer and seconder, and that conditions be delegated to officers was put to a vote and voting was as follows:-

FOR: 10  
AGAINST: 0  
ABSTENTIONS: 0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Tinnelly, seconded by Councillor Hanna, it was unanimously agreed to overturn the officer recommendation for the reasons as outlined by the proposer and seconder, and that officers be given delegated authority to write these up referring to relevant Planning Policy, and that officers would also draft conditions based on the comments made by Committee and any other technical issues that may be required. Once this was done the application would be referred to DfI to decide whether or not to call it in and thereafter there would be a further meeting of the**



**Committee to make a final determination in respect of the application.**

Councillor Harte left the meeting.  
Councillor Brown re-joined the meeting.

The Chairman advised that Planning Applications LA07/2020/0485, LA07/2020/0486/DCA and LA07/2020/0487/LBC would be determined together.

**(3) LA07/2020/0485/F**

**Location:**

No. 47 Merchants Quay, Newry

**Proposal:**

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

**Conclusion and Recommendation from Planning Official:**

Approval

**(4) LA07/2020/0486/DCA**

**Location:**

Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area) - Nos 46/49/50/51/52/53 & 54 Merchants Quay, Newry.

**Proposal:**

Conservation area consent application for demolition of the former car sales showroom/garage

**Conclusion and Recommendation from Planning Official:**

Approval

**(5) LA07/2020/0487/LBC**

**Location:**

No. 47 Merchants Quay, Newry

**Proposal:**

Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office

complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

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

**Speaking rights:  
(via Teams)**

In support:

Mr Barry Owens, Agent was available via Teams to answer any queries from Members relating to the application.

**AGREED: On the proposal of Councillor Stokes seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC as per the information and recommendation contained in the Case Officer Report presented to Committee.**

**(7) LA07/2020/0079/O**

**Location:**

Lands approximately 50m north west of No. 53 Ayallogue Road Newry

**Proposal:**

Dwelling and garage on gap site

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

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

**Speaking rights:  
(via Teams)**

In support:

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

### Issues raised:

- Mr O'Callaghan considered No. 53 should form part of the frontage, however Planning disagreed with this saying the curtilage of No. 53 was clearly demarcated with fencing some distance from the roadside.
- Planning considered the gap to be capable of accommodating more than two houses, therefore the application contravened policy.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/0079/0 for a site visit to take place to allow Members to assess the site in more detail.

### (8) LA07/2020/1000/O

#### Location:

Lands between 5 and 9 Billy's Road, Ballyholland, Newry

#### Proposal:

Proposed infill dwelling

#### Conclusion and Recommendation from Planning Official:

Approval

#### Power-point presentation:

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

#### Speaking rights: (via Teams)

##### In objection:

Mr Ciaran Murtagh, local resident presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor D McAteer spoke in objection to the application on behalf of local residents.

##### In support:

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

During Mr Grimes presentation, a technical fault occurred, and Mr Grimes was unable to rejoin the meeting via Teams, only via telephone. Ms Largey said that technically, a proposal could not be accepted until all deputations had been heard and in the interests of fairness, Mr Grimes had not had the opportunity to present fully to the Committee, however, she said as there was no provision in the protocol to cover this issue, it was best to be guided by Mr Grimes as to whether he wished to proceed to a proposal or choose to defer. Mr Grimes advised he was happy to proceed.

Councillor Larkin said he considered the aerial photographs and site plan was not enough to take on board the concerns of the objectors, and he proposed to defer Planning Application

LA07/2020/1000/O for a site visit to take place so Members could assess the site in more detail.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Stokes it was agreed to defer Planning Application LA07/2020/1000/O for a site visit to take place so Members could assess the site in more detail.

## **(9) LA07/2020/1084/O**

### **Location:**

Immediately adjacent to and North of 32 Bettys Hill Road Ballyholland Newry.

### **Proposal:**

Site for 2 storey infill dwelling

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

Refusal

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

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

### **Speaking rights: (via Teams)**

#### In support:

Mr Anthony Mackle, agent and Mr Jim McQuillan, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

### **Issues raised:**

- Planning did not consider the proposal represented an infill opportunity as it failed to meet the criteria of 3 or more buildings along a road frontage.
- Planning agreed that whilst visual linkage could be a consideration, it was not a determining factor.
- Planning agreed that buildings could be staggered or set back as long as they had frontage to the road, which they considered this proposal did not.
- Mr Mackle said the private lane served No. 30 Betty's Hill Road, which was the applicant's fathers home and the applicant owned all the land down to the roadside.
- Mr Mackle considered that 30 Betty's Hill Road had frontage on to the road, was visually linked and its set back location was more acceptable in rural settings as it minimised the urban effect.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/1084/O contrary to Officer recommendation on the basis that he considered it met the criteria of CTY 8 and No. 30 had frontage on to Bettys Hill Road. Councillor Hanna seconded the proposal.

The proposal was put to a vote by of roll call, and voting was as follows:

FOR: 7  
AGAINST: 1  
ABSTENTIONS: 2

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/1084/O contrary to Officer recommendation on the basis No. 30 had frontage on to Betty's Hill Road and the proposal complied with CTY 8.

Planning Officers be delegated authority to impose any relevant conditions.

(Lunch Break: 13.15 – 13.50)

# FOR NOTING

**P/026/2021:** HISTORIC ACTION SHEET

Read: Planning historic action sheet. (Copy circulated)

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

**P/027/2021:** PLANNING COMMITTEE PERFORMANCE REPORT  
FEBRUARY 2021

Read: Planning Committee Performance Report for February 2021.  
(Copy circulated)

**AGREED:** It was unanimously agreed to note the Planning Committee Report for February 2021.

**P/028/2021:** PLANNING APPEALS AND DECISIONS

Read: Planning Appeals and Decisions Report for February 2021.  
(Copy circulated)

**AGREED:** It was unanimously agreed to note the Report on Planning Appeals and Decisions for February 2021.

# EXEMPT INFORMATION: LOCAL DEVELOPMENT PLAN ITEMS FOR DISCUSSION

On the proposal of Councillor Trainor seconded by Councillor McAteer it was agreed to exclude the public and press from the meeting during discussion on the following items:



**P/029/2021: LDP – PLANNING POLICY REVIEW – OVERVIEW**

**Read:** Report dated 10 March 2021 from Mr A McKay, Chief Planning Officer regarding LDP: Planning Policy Review – Overview (copy circulated)

**P/030/2021: LDP – PLANNING POLICY REVIEW – TRANSPORTATION**

**Read:** Report dated 10 March 2021 from Mr A McKay, Chief Planning Officer regarding LDP: Planning Policy Review – Transportation (copy circulated)

**P/031/2021: LDP – PLANNING POLICY REVIEW – FLOOR RISK AND DRAINAGE**

**Read:** Report dated 10 March 2021 from Mr A McKay, Chief Planning Officer regarding LDP: Planning Policy Review – Floor Risk and Drainage (copy circulated)

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

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

**P/029/2021: LDP – PLANNING POLICY REVIEW – OVERVIEW**

**Agreed:** On the proposal of Councillor McAteer, seconded by Councillor Trainor it was agreed that Planning Committee note the content of this report and the Local Development Plan: Planning Policy Review exercise which is being undertaken as part of the preparation of the draft Plan Strategy.

**P/030/2021: LDP – PLANNING POLICY REVIEW – TRANSPORTATION**

**Agreed:** On the proposal of Councillor O'Hare, seconded by Councillor Murphy it was agreed that the Planning Committee note 'LDP: Planning Policy Review – Transportation' and:

- Agree the proposed draft planning policies for inclusion within the draft Plan Strategy, and
- Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (i.e. subject of further consultation engagement, sustainability appraisal, and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction.

**P/031/2021: LDP – PLANNING POLICY REVIEW – FLOOD RISK AND DRAINAGE**

- Agreed:** On the proposal of Councillor McAteer, seconded by Councillor Murphy it was agreed that the Planning Committee note 'LDP: Planning Policy Review – Flood Risk and Drainage' and
- Agree the proposed draft planning policies for inclusion within the draft Plan Strategy, and
  - Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (i.e. subject of further consultation engagement, sustainability appraisal, and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction

The meeting concluded at 3.40pm.

For confirmation at the Planning Committee Meeting to be held on Thursday 8 April 2021.

**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 Thursday 8 April 2021**

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

- LA07/2020/1888/F 6 Pinewood Glen Crossmaglen Single storey extension to existing dwelling **APPROVAL**
- LA07/2020/1394/O 90m West of No16 Desert Road Mayobridge Newry BT34 2JB Proposed 1 1/2 Storey dwelling (Ridge Height of 7.5m) and garage **REFUSAL**

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0013/F

**Date Received:** 20.12.2019

**Proposal:** The application is for full planning permission for a Farm building and animal handling facility and hardstanding.

**Location:** The application site is located just off the Dromara Road, which is approx. 3miles NW of Leitrim.



#### Site Characteristics & Area Characteristics:

The site is a rectangular roadside plot which is located off the Dromara Road. The NW boundary is defined by wind bushes as are parts of the roadside boundary, mixed with native species. The remaining boundaries are undefined. The ground level is slightly lower than the roadside, but not significantly.

### **Site History:**

No relevant history on the site.

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

The application site is located outside the settlements in the open countryside within the Mourne AONB as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

### **Consultations:**

NI Water – No objections

DFI Roads – No objections subject to conditions

DAERA – No objections

Rivers Agency – No objections

Shared Environmental Services – No objections

### **Objections & Representations**

In line with statutory requirements no neighbours have been notified. The application was advertised in the Mourne Observer and the Down Recorder on 22.01.2020. No letters of objection or support have been received in relation to the proposal.

### **Consideration and Assessment:**

#### **SPPS**

The SPPS outlines provision should be made for agricultural development on an 'active and established' (for a minimum of 6 years) agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing buildings on the farm holding. An alternative site away from existing buildings will only be acceptable in exceptional circumstances. The SPPS also recognises that there are occasions where new buildings in the countryside are acceptable. Where this is the case, the policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. In addition, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.



## PPS 21

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is agricultural development in accordance with PPS 21 policy CTY 12. The latter indicates that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. Policies CTY 13 and CTY 14 will also be considered.

Policy CTY10 advises that

-the farm business is currently active and has been established for at least 6 years;

The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

The key considerations in this assessment therefore are:

- The principle of a farm building on the proposed site.
- The effect of the proposal on the Mourne Area of Outstanding Natural Beauty and on the visual amenity and rural character of the area.

In assessing this application, the farm holding will be considered in its entirety.

Thus the primary policy against which to assess this is PPS21 'Sustainable Development in the Countryside,' with consideration for the requirements of the SPPS outlined above.

In assessment of these criterion it is noted that the applicant has provided a DARD (DAERA) business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for the required 6 years. DAERA have advised that the business has claimed payments for the required 6 years. On this basis, it is considered that the farm business can be considered as an active and established business.

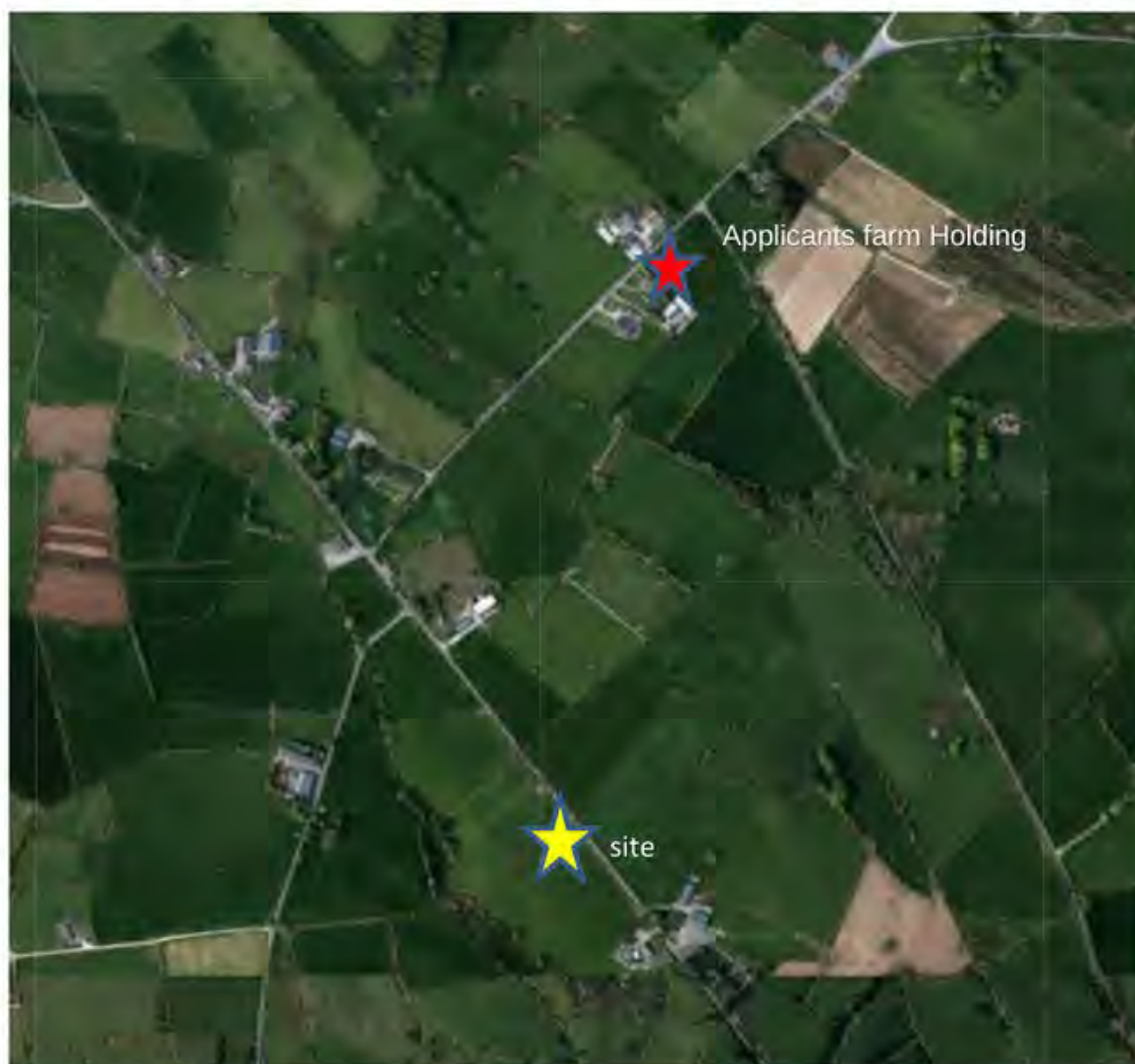
The initial test for farming activity has been met. Given this is the case; criteria (a) to (e) of policy CTY12 must also be met:

***(a) It is necessary for the efficient use of the agricultural holding;***

According to the DAERA maps the farm holding is 42.04 HA in size. The majority of the lands are all in reasonably close proximity to the registered address at 50 Legananny Hill Road. The lands at the proposed site serve a further 4 fields close to No 64 Dromara Road.

The agent has submitted correspondence stating that the farm is divorced from the main farm complex and would be known as an out-farm which currently has no buildings or handling facilities and is currently used only for the provision of silage and hay and is not used for grazing as it is located away from the rest of the farm. The agent states that the applicant cannot move his stock to it via walking along the public road as this is contrary to the Animal Welfare Act guidance and good animal husbandry, so he requires a shed and handling facilities to make full use of the land as a grazing area. The agent states that this area is not suitable for growing crops due to the climate and as such the land has not been used for grazing as it is remote from the rest of the farm. The agent states that the sheds at Legananny Road are all currently in use, however the need is for a shed on the out farm to allow the applicant the opportunity to use it in a more meaningful way and as he is unable to herd the animals along the road.

The site is approximately 0.5miles away from the main farm holding by road and 0.3miles as the crow flies. The agent has submitted a further supporting statement which is similar to the Design and Access Statement that the building is required to provide a storage opportunity and a safe area to house the animals on this out farm which has no existing buildings. A small number of cattle (approx. half a dozen) have been observed on the land. There is an agreement that the identified site forms part of an active and established agricultural holding. However, having considered the submitted evidence, such a situation is not uncommon in respect of farms and out farms throughout the country. Taking the statements from the agent into account, while the proposed facility may be desirable, it cannot be considered necessary for the efficient use of the agricultural holding. The proposal does not meet this criterion.



Map showing the farm holding in relation to the proposed site.

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

The building measures 14.5m in length by 9.4m in width with a height of 7m to the ridge. The building is comprised of block construction, with green 'Agriclad' metal to roof and walls, with metal doors to the front elevation. In terms of character and scale, the proposed building, while it does have an industrial unit appearance, these type of buildings are now becoming more common in the rural area and is therefore considered appropriate to its rural location.

***(c) It visually integrates into the local landscape and additional landscaping is provided as necessary;***

The site is cut from a larger field with only the roadside boundary and the NW boundary in situ, which is a low lying windbush. Views of the site are open when travelling along the Dromara Road, given the straight alignment of the road. On approach from the south, the shed would be viewed partly against the rising landform beyond. However, given the openness of the lands on this side of the road and given the building's height and close proximity to the roadside, the building would appear as prominent for a long stretch along the site frontage. Levels were requested from the agent, but, none were provided, however, there is sufficient information to make an assessment that the building would be prominent. In this context there are insufficient natural boundaries to adequately integrate the building into the



surrounding landscape. The removal of the roadside vegetation and the introduction of an area of hardstanding along with a 1.2m wall on the SE and SW boundaries would exacerbate this further. No additional landscaping has been provided.

***(d) It will not have an adverse impact on the natural or built heritage;***

The building is at a sufficient distance as to not impact on any retained vegetation.

The potential impact of this proposal on the natural heritage including 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.

***(e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.***

The closest property to the site is 80m away at 64 Dromara Road. Environmental Health recommends that a minimum separation distance of 75m between a livestock building and a residential dwelling should be applied. Given that the proposal meets this requirement the proposal would not impact detrimentally on the amenity of neighbouring properties.

In addition to the above criteria, policy CTY12 also requires applicants to provide sufficient information to confirm all of the following:

***There are no suitable existing buildings on the holding that can be used;***

The agent was specifically asked to demonstrate that the proposal meets policy CTY 12, and to provide details of current herd numbers on the farm. He was also asked why the shed could not be sited up at the registered farm holding which is 0.5miles away and whether there are any other buildings at the registered farm holding that could be used to serve this purpose. A site layout plan identifying the buildings and their uses at the registered farm was also requested. This information was received via email 06/12/2020 (Emails sent on 04/11/2020 and a further reminder sent 30/11/2020).



Map from agent indicating use of the existing buildings at the registered holding at 50 Legananny Hill Road

The agent has identified the current use of the remaining sheds at the registered holding. These sheds are predominantly used for cattle and pigs and storage of meal. The agent has submitted a further supporting statement similar to the design and access statement and extracts from the applicant's herd book. The agent has indicated that Current Stock levels include Cattle - 55, Sheep - 110, Pigs - 1500-2000. The agent has not identified any other buildings on the holding that would be suitable and could be used instead or given an explanation as to why the facilities at the main holding could not be expanded, with the argument that this building is required to use these fields for grazing animals. However, in the case of the latter tests, exceptionally policy allows consideration to be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business (discussed below).

As mentioned previously, such a situation is not uncommon in respect of farms and out farms throughout the country and this view has been supported by the PAC (2019/A0051). While the proposed facility may be desirable, it cannot be considered necessary for the efficient use of the agricultural holding.

***The design and materials to be used are sympathetic to the locality and adjacent buildings;***

These types of buildings are now typical in the rural area. The proposed building as described above would be in keeping with the rural area would not appear out of character in this rural context.

***The proposal is sited beside existing farm buildings***

Whilst the proposal is not sited beside existing farm buildings, exceptionally, consideration may be given to an alternative site away from the existing farm buildings, provided there are no other available sites at another group of buildings on the holding, and where

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons

It has not been satisfactorily demonstrated that the proposed Farm building and animal handling facility is essential for the efficient functioning of the business or that any argument has been put forward that there are demonstrable health and safety reasons for this site away from the existing group of buildings on the holding and therefore for the proposal fails this criterion.

The proposal is therefore contrary to policy CTY1 and CTY12 as noted above.

**PPS 21 - CTY 13 - Policy CTY 13 – Integration and Design of Buildings in the Countryside**

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 of appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

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

As mentioned previously the proposal is cut from a larger field. Given the openness of the lands on this side of the road and given its height and close proximity to the roadside, the building would be clearly visible and appear as prominent for a long stretch along the site frontage. In this context 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.

### **PPS 21 - CTY 14 – Rural Character**

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

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The proposed development would be unduly prominent in the landscape, in conjunction with the removal of the frontage hedging, hardstanding, enclosing walls and lack of planting all contribute to causing a detrimental change to the rural character.

### **PPS 2 : Natural Heritage**

#### **Policy NH 1 – European and Ramsar Sites – International**

This policy 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 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); or
- listed or proposed Ramsar Site

Similarly Policy NH 3 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

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

The 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 which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

As mentioned above, 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.

### **Policy PPS 2 natural Heritage- NH 6 Areas of Outstanding Natural Beauty**

Planning permission will only be granted for new development within an AONB where it is of appropriate design, size and scale for the locality and where a number of criteria are met. The proposal is considered respectful of the local architectural styles of agricultural sheds, in terms of materials, design and colour.

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

The proposal involves the construction of a new access onto Dromara Road. DFI Roads have been consulted regarding the proposal and following the request for additional information now have no objections to the proposal and have provided conditions.

### **Conclusion**

Based on careful consideration of all the relevant material planning considerations, it is contended that the application does not meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

### **Recommendation:**

Refusal

### **Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is a prominent feature in the landscape and 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.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is unduly prominent in the landscape and would cause a detrimental change to the rural character of the area.

|              |         |            |
|--------------|---------|------------|
| Case Officer | C Moane | 07/12/2020 |
|--------------|---------|------------|

|                   |             |            |
|-------------------|-------------|------------|
| Appointed Officer | A.McAlarney | 08/12/2020 |
|-------------------|-------------|------------|



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

**Application Reference:** LA07/2020/0167/F

**Date Valid:** 3rd February 2020

**Proposal:** New Manse and detached domestic garage (Amended proposal description)

**Location:** The Manse, 17 Downpatrick Road, Crossgar

#### Site Characteristics & Area Characteristics:



The site is comprised of a 0.1-hectare portion of land comprising a portion of the side and rear garden of No 17 Downpatrick Road Crossgar.

The site slopes gently up from the public road via the existing driveway serving No 17 to a flat garden area. The site is defined to the west and north by mature vegetation. The site is noted to be 64m in length and 30m at its widest along the rear boundary to the west.

The site is located within the settlement limits of Crossgar, as designated in the Ards and Down Area Plan 2015.

The character of the surrounding area is residential and is characterised by medium to low density detached housing along Downpatrick Road and Rocksfield to the rear and west of the site, comprising detached and semi-detached dwellings. Those dwellings to the north of the

site at Westfield are slightly higher in density, predominantly two storey semi-detached and terraced dwellings.

#### **Site History:**

R/2004/2077/F - The Manse, 17 Downpatrick Road, Crossgar - Extension to Dwelling – PERMISSION GRANTED 10.02.2005

R/2008/0515/O - 17 Downpatrick Road, Crossgar. - Housing development consisting of 6 dwellings - APPLICATION WITHDRAWN 24.08.2010

R/2014/0393/F - 19 Downpatrick Road Crossgar - Proposed residential development comprising 7 two bedroom apartments new access and parking – APPEAL DISMISSED 04.04.15

LA07/2016/0991/O - 19 Downpatrick Road, Crossgar, - 4 two-bedroom apartments, new access and parking - PERMISSION GRANTED - 02.06.2017

LA07/2018/1778/RM - 19 Downpatrick Road, Crossgar, - 4 two-bedroom apartments new access and parking - PERMISSION GRANTED - 20.02.2019

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

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3
- Planning Policy Statement 6
- Planning Policy Statement 7
- Planning Policy Statement 12
- Creating Places and supplementary guidance.

#### **Consultations:**

In assessment of the proposal consultations were carried out with

DfI Roads – No objections

Historic Environment Division – No objections

## Objections & Representations

In line with statutory requirements the relevant neighbours were notified of the proposal 04.02.2020, 06.03.2020 and again on 03.08.2020 with amended plans. The application was advertised in the Mourne Observer and the Down Recorder on 19.02.2020 and again on 11.03.2020 following receipt of amendments.

3 letters of objection have been received from

- 15 Rocksfield Close Crossgar
- 17 Rocksfield Close Crossgar
- 15 Downpatrick Road, Crossgar

All objectors raised concerns about the accuracy of the drawings and this has been clarified and corrected with the agent following which amended plans were received.

Issues relating to overlooking, loss of privacy and loss of trees have been raised by all objectors and these will be considered in the assessment of the case below.

## Consideration and Assessment:

The proposal seeks full planning permission for the erection of a dwelling and detached garage.

The proposed dwelling will be a two-storey dwelling with a maximum ridge height of 8.7m, a frontage of 12.8m and a gable depth of 11.3m. The dwelling will have floorspace of 289sqm (3110sqft). The dwelling is relatively traditional in form and design, with solid to void ratio. It will be finished with flat grey concrete roof tiles, rendered walls and white upvc windows. The proposed detached garage is domestic in scale.





### **Regional Development Strategy (RDS)**

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. The SPPS sets out core planning principles to be employed in the pursuit to achieve sustainable development and aims to support good design and positive place making, while preserving and improving the built and natural environment. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Downpatrick within the town centre of Downpatrick but outside the primary retail core.

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS), sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

The SPPS states that the Local Development Plan process is the primary focus for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives.

### **Principle of development**

The application site is located within the Settlement Limit of Crossgar as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP policy for development within settlement limits is contained in Policy SETT 1.

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

### **Policy DES 2 of the PSRNI**

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

### **Ards and Down Area Plan 2015.**

The site is within the settlement limits of Crossgar within the town centre boundary.

### **PPS 7 – Quality Residential Environments**

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is

demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

All proposals for residential development will be expected to conform to criteria (A) – (I):

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

The site is located within the garden area of one of the four detached residential properties that front onto this section of Downpatrick Road. Nos 15, 17, 19 and 21 are set within large plots with generously proportioned gardens front and rear and are in individual family occupation. All four properties abut the Rocksfield residential development which has a variety of house types including detached and semi-detached dwellings in single storey, 1½-storey and 2-storey designs set within a mix of plot sizes. Brief glimpses of the rooftops of some of the dwellings in the Rocksfield development are visible from the site frontage, the access to the development, however, lies 100m south the site. North of the site and immediately adjacent No 15 Downpatrick Road, lies the Westlands Development which is comprised of two-storey semi-detached dwellings, Nos 2 and 4 of which share the same frontage as the site. Given the visual relationship, I consider that the site and the dwellings in Rocksfield and those fronting the Downpatrick Road at Westlands form the surrounding context of the site and inform the character of this part of Crossgar.

Policy QD1 requires a proposal for new development to respect the surrounding context and be appropriate to the character of the site. The policy directs that proposals for residential development should draw upon the positive aspects of the character and appearance of the surrounding area. Though this stretch of Downpatrick Road is characterised by a wide variety of dwellings with considerable diversity in the scale, proportions, massing and appearance, there is a noticeable contrast in the form and density along the road frontage compared to the more densely developed housing to the rear and north.

Nos 15, 17, 19 and 21 Downpatrick Road represent a low density of dwellings along this stretch of road compared to that immediately surrounding at Rocksfield and Westlands. The division of No 17 into two smaller plots and the erection of a dwelling to the rear of the established building line is at odds with the dominant pattern of development in this area. I consider that the proposal would set a precedent for similar development within other plots along this frontage.

In forming this opinion it may appear to contradict that which was approved by the Planning Authority, at No 19 Downpatrick Road under LA07/2016/0991/O and LA07/2018/1778/RM

for 4 No. 2 bed apartments. However, these approvals granted permission for a single storey detached building which while housing 4 apartments has the appearance of one large dwelling, similar to that immediately adjacent along Downpatrick Road. The approval maintained the large front and rear garden areas currently present at those plots along

Downpatrick Road and thereby maintained the character of the area. I do not consider that this approval represents a precedent for carving up sites for additional single dwellings and is therefore distinct from that now proposed at No 17.

In addition to the above, the proposed dwelling will result in a siting and arrangement which would be contrary to the established pattern of dwellings along Downpatrick Road, given that it would be set back behind the existing dwellings, with much smaller front and back garden areas and a paired access arrangement. I consider this proposal therefore to be contrary to Criteria A of QD1.

- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;**

The site is within the vicinity of the Gate Lodge at Tobar Mhuire, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Consequently, the Planning Authority consulted with Historic Environment Division to assess the impact of the proposal on this listed feature. HED have advised that they have considered the proposal and assessed it against the SSPS and Policy BH11 of PPS 6 and concluded that the development is separated from the listed building by the Downpatrick Road and screened by an existing dwelling and mature planting. HED consider the proposal does not represent a demonstrable negative impact on the setting of the listed building.

The site also benefits from mature vegetation along its northern and western boundaries. The proposed layout plan indicates, in yellow, that some trees are to be removed to facilitate the development. It is considered there remains sufficient vegetation.

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

The proposal seeks to utilise the side garden of No 17. Consequently, the private garden area of No 17 will be reduced to an area approximately 493sqm in size which is still a sizeable garden and above the minimum parameters identified in guidance document Creating Places.

The new dwelling will have a rear private garden area of approx. 187sqm which while above minimum parameters identified in Creating Places, is substantially lower than those within the immediate vicinity at Nos 15, 19 and 21. This further highlights the degree to which this proposal departs from the character of its surroundings.

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

There is no requirement for the developer to make provision for the above within a development of this size.

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

The development is considered to be accessible by various modes of transport including walking and cycling. A regular bus service travels by the site daily.

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

The proposed plans show that the existing and proposed dwellings will both have parking space for at least two cars within their curtilage.

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

Policy QD1 and other planning guidance encourages variety dwelling type within new residential schemes. As described above the design of the dwelling is acceptable and is considered to be in keeping with those in the immediate area.

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

The plans show that the existing and proposed will be accessed via a paired driveway leading to the side and rear garden areas of the new dwelling and No 17 respectively. The proposed layout shows that the new dwelling will be positioned to the rear of No 17. There is potential therefore for the private amenity space immediately to the rear of No.17 to be affected by the presence of a new dwelling adjacent, given proximity and the proposed arrangement of the garage / parking area of the new dwelling which would overlook this important area. It is considered that further mitigation would be required in addition to the fence proposed which intends to screen the existing and proposed garden areas from each other.





In assessment of the proposal impact on No 15 Rocksfield Close, it is noted that the proposed dwelling will be located approximately 11m from the boundary it will share with 15 Rocksfield Close. You will note from the layout drawing above that 15 Rockfield has a rear extension to the original dwelling which sits approximately 3-4m from the shared boundary of the site. A total separation distance between the proposed dwelling and No 15 Rockfield would be approximately 14-15 m.

The images below show the rear amenity space of No 15 Rockfield Close and the extensions proximity to the shared boundary with the site.



Below is a view from the site towards No 15 Rocksfield Close. The position of the swing set is considered to be the approximate location of the new dwelling – there is concern therefore regarding the potential of the new dwelling to overlook the rear amenity space of No 15 Rocksfield Close given the sparse vegetation at this section. There is also considered to be potential for the occupants of No 15 Rocksfield Close to feel ‘hemmed in’ by a new two-storey dwelling so close to their shared boundary.





In assessment of the impact of the proposal on No 15 Downpatrick Road, it is noted that No 15 Downpatrick Road is a substantial 1½ storey dwelling, which is currently screened from the proposed site by the presence of two over-mature conifers pictured below.



The proposed plans indicate that these trees are to be removed. However, it is not considered that their removal will allow the rear of No 15 to be more visible than at present, given the presence of an intervening detached garage and a proposed separation distance of approximately 18m.

Based on the above assessment it is considered that the proposal has the potential to have a detrimental impact on the existing dwelling adjacent at No 17 Downpatrick Road and No 15 Rockfield Close to the rear due to overlooking and loss of privacy.

**(i) the development is designed to deter crime and promote personal safety**

The proposal appears to comply with this aspect of the policy.

On the basis of the above assessment, it is considered therefore that the proposal fails to comply satisfactorily with Criterion A and H of Policy QD1 of PPS 7 and should therefore be recommended for refusal on this basis.

**PPS7 Addendum – Safeguarding the Character of Established Residential Areas.**

Policy LC1 guides that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria (a) to (c) set out under LC1 are met:

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

As indicated above the established residential area is considered to be that of those 4 dwellings along Downpatrick Road and the adjacent residential developments of Rockfield Close and Westlands. It is not considered that the addition of one dwelling along Downpatrick would represent a density significantly higher than that found in the established residential area.

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

The pattern of development along Downpatrick Road is that of dwellings presenting directly onto the public road with mature and spacious gardens to the front and rear. It is considered that this proposal would alter the pattern of development given its location set back from road and the significantly smaller garden proposed.

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

The size of the proposed dwelling would comply with Annex A.



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

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

- (A) Such an access will not prejudice road safety or significantly inconvenience the flow of traffic.
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Following a consultation with DfI Roads and their assessment of the proposed plans they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

With regard to parking, turning and manoeuvring of vehicles, it is considered that there is sufficient space within the curtilage of the dwelling, to ensure that 2 vehicles can adequately park and move in and out of the site.

### **PPS 12 - Housing in Settlements**

PPS 12 is not an expression of operational planning policy. Paragraph 2 of PPS 12 says 'Its purpose is to provide strategic direction and guidance in the form of regional planning policy to assist the implementation of the RDS.' Paragraph 6 of PPS 12 says 'This statement should be read in conjunction with the relevant sections of the other prevailing planning policy statements, in particular PPS 7 Quality Residential Developments'.

### **Conclusion**

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable.

### **Drawings**

The drawing considered in this assessment is as follows

A 7687

**Recommendation: REFUSAL**

**Reasons**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7: Quality Residential Development and Criteria B of Policy LC 1 of addendum to PPS 7 in that, if permitted, the proposal would be out of character with the existing pattern of development along Downpatrick Road Crossgar.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria H of Policy QD1 of Planning Policy Statement 7: Quality Residential Development in that, if permitted, the proposal would result in overlooking and loss of privacy to those dwellings adjacent at 17 Downpatrick Road Crossgar and 15 Rocksfield Close Crossgar.

Case Officer: Claire Cooney

Date: 28.09.2020

Authorised Officer: A.McAlarney

Date: 09 October 2020





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

**Application Reference:** LA07/2020/1000/O

**Date Received:** 28/07/2020

**Proposal:** Proposed infill dwelling

**Location:** Lands between 5 and 9 Billy's Road, Ballyholland, Newry

**Site Characteristics & Area Characteristics:**

The application site comprises an agricultural parcel of land located along Billy's Road, Ballyholland. The site is adjoined to the west by a driveway leading to property to the south of the site. The site is adjoined to the east by a detached dwelling and outbuilding. The site is located outside any defined settlement limits.



*Application Site*

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

This application will be assessed under the following policy considerations:

- The Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015
- PPS3 Access, Movement and Parking
- DCAN15- Vehicular Access Standards
- PPS21- Sustainable Development in the Countryside

### **Site History:**

There is no planning history on the application site.

### **Consultations:**

- **NI Water-** Content
- **DFI Roads-** Content subject to conditions

### **Objections & Representations:**

Three neighbours were notified of the application on 28/08/2020 and the application was advertised within one local newspaper, the advertising period expired on 25/08/2020. Eight letters of objection were received raising the following:

- It is considered the proposal is not part of a substantially and continuously built up frontage. No 11 is set back from Billy's Road fronting a yard area to its front, it does not have a frontage onto Billy's Road. No 9 is adjacent to Billy's Road but the dwelling also fronts onto the same yard area.
- No 5 Billy's Road is adjacent to the road but the dwelling is orientated to the west, considering the orientation and access to No 7 its reasonable to conclude there is no substantially and continuously built up frontage as required by policy.
- The proposal will result in overlooking, proximity and loss of privacy adversely impacting the residential amenity of No's 5, 7 and 9 Billy's Road. The private rear rooms and rear amenity space of No 5, 7 and 9 would be highly visible from the proposed dwelling.
- Proposed dwelling cannot integrate acceptably with the surrounding development.
- The concept statement is inaccurate as it does not show the existing dwelling at No 7 Billy's Road.
- Proposal is contrary to Policy CTY13 in that the site is unable to provide a suitable degree of enclosure and would rely primarily on new landscaping. The proposed access arrangements would result in the removal of the existing stone wall boundary with Billy's Road.
- Proposed sightlines rely on third party lands and the proposed 2 x 45m sight lines are considered inadequate.
- Road is very narrow and proposal would increase traffic flow.
- Concerns about the environmental impact this would have on the countryside from a noise/ air pollution to the disturbance of natural habitats.

Following an amended address, the application was re-advertised and neighbour again notified on 30/11/2020. Issues of land ownership were raised with the Agent and following receipt of an amended certificate of ownership, neighbours were notified on 22/01/2021.

The concerns raised in terms of policies CTY8 and CTY13 will be detailed below. DFI Roads have been consulted on the application and are content with the proposal subject to conditions.

### Assessment

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

Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. This application seeks permission for an infill dwelling.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development, policy goes on to explain that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken (Reference 2016/A0040):

- a) Identify if there is a substantial and continuously built up frontage
- b) Establish if the gap site is small sufficient only to accommodate a maximum of two houses
- c) Determine if the proposal would respect the existing development pattern in terms of size, scale, siting and plot size
- d) Assess the proposal against other planning and environmental requirements.

The site is adjoined to the west by driveway and then by dwelling and garage at No 5, both buildings have a frontage onto Billy's Road. To the east the site is adjoined by dwelling and outbuilding at No 9, both buildings have a frontage onto Billy's Road.

I do not agree with the concerns raised by objectors that the orientation and yard area to the front of properties means the buildings do not have a frontage on Billy's Road. The PAC is clear that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. The application site lies within a substantial and continuously built up frontage consisting of three or more buildings, the first element is met.

The gap between the garage at No 5 and the outbuilding at No 9 measures 60.7m, the application extends back from the road between 42 and 53m with a frontage of 57.4m. The application site is of comparable plot sizes and site frontage to surrounding sites and whilst the concept plan may be outdated in terms of the layout of No 7, it is useful to show that the gap site is small sufficient to accommodate one dwelling only. I am content the proposal represents an exception to Policy CTY8. Other environmental requirements will be considered below.



Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. The dwellings immediately adjoining the site are single storey/ one and a half storey. I consider a ridge height restriction of 5.5m for a single storey dwelling would ensure it would not appear as prominent in the landscape nor give rise to overlooking into any adjoining sites. There is a mature boundary to the rear of the site which will form a backdrop. Further details of design will be assessed at reserved matters stage. Subject to conditions, the proposal can comply with Policy CTY13.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As outlined above, subject to conditions the proposal would not appear as a prominent feature in the landscape. It will infill a small gap site and therefore will not add to or create a ribbon of development. The proposal is in accordance with Policy CTY14.

### Planning Policy Statement 3

DFI Roads have been consulted on the application and are content with the access and visibility splays proposed subject to conditions.

**Recommendation:** Approval- In line with the Council's Scheme of Delegation, this application has attracted six or more material planning objections from different addresses and as the recommendation is for approval, the application must be brought before Planning Committee.

### Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. The development hereby approved shall take place in strict accordance with the following approved plans: 01A

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

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

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

4. 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(s) 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.

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

5. Full particulars, detailed plans and sections of the reserved matters required in Conditions 3 and 4 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

6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. The access shall be constructed in accordance with the approved plan prior to the commencement of any other development.

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

7. 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. 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.

8. The proposed dwelling shall be single storey with a ridge height no greater than 5.5m above finished floor level.

Reason: To ensure the dwelling will not appear as prominent in the landscape.

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. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

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

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

#### **Informatives:**

##### **1. EXISTING WATER AND SEWER INFRASTRUCTURE**

- The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.

- It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.

- House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.

- Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.

- It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.

- If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.

- Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp) and Forms.

- 2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

|   |
|---|
| <b>Case Officer Signature:</b> E. Hart      |
| <b>Date:</b> 22/02/2021                     |
| <b>Appointed Officer Signature:</b> M Keane |
| <b>Date:</b> 22-02-21                       |



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

**Application Reference:** LA07/2020/0079/O

**Date Received:** 09.01.2020

**Proposal:** Dwelling and garage on gap site

**Location:** Lands approximately 50 NW of 53 Ayallogue Road, Newry

**Site Characteristics & Area Characteristics:**

The application site is a large rectangular field located north of 53 Ayallogue Road. The field is currently in agricultural use. A mix of hedgerow and trees form the boundary to the roadside, as well as the northern, southern and eastern boundaries.

The site lies within the Ring of Gullion Area of Outstanding Natural Beauty. The site is not located in any settlement limit as designated in the Banbridge/ Newry and Mourne Area Plan 2015.

**Site History:**

P/2003/0437/O

- Adjacent to 53 Ayallogue Road, Meigh, Newry
- Site for dwelling
- Permission refused

**Refusal Reasons:**

1. *The proposal is contrary to Policies SP6, HOU8 and DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this countryside by reason of build-up.*
2. *The proposal is contrary to Policies SP6, HOU 8 and DES 7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the extension of ribbon development along Ayallogue Road.*



### **Planning Policies and Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2 – Natural Heritage

### **Consultations:**

Transport NI – No objections in principle with this proposal.

NI Water – Generic response to routine planning application.

NIEA

- Drainage and water – standing advice for single dwellings
- NED – refer to tools and guidance on DAERAs website.

### **Objections and Representations:**

Three neighbours were notified of the proposal on 16.01.2020. The proposal was also advertised in local press on 29.01.2020.

No objections or representations were submitted for consideration.

### **Consideration and Assessment**

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

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

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

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

#### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings. This development includes infill dwellings if they meet the criteria set out in CTY8.

## Policy CTY 8 – Ribbon Development

As the application is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- a. *Identify whether there is a substantial and continuously built up frontage.*  
 The application site is located to the north of 53 Ayalogue Road. Number 53 does not have frontage onto the road, and the curtilage of the dwelling is clearly demarcated through fencing some distance from the roadside.  
 Number 53a, located south of no. 53, has frontage onto the road. Number 51 also has frontage onto the road.  
 The dwelling located to the north of the application site – number 53b – also has frontage onto the Ayalogue Road as does the outbuilding and number 55 located further to the north. However, as number 53 does not have frontage, the proposal does not meet the first policy test of having a substantial and continuously built-up frontage as the application site is only between the two buildings to the north of the application site which have a frontage while the dwelling to the south of the site at number 53 does not have a frontage and the frontage is broken by number 53.

Supplementary information provided with this application included information relating to another planning application (LA07/2019/0008/F). It should be noted that the Planning Department determined that this particular application did not represent an appropriate infill site, given the fact that no 11 was not considered to have frontage with the public road.

The Planning Department are of the same opinion with regards this application site.

- b. *Establish whether there is a small gap site.*  
 The gap site is measured between the adjacent buildings considered to have frontage onto the road.  
 The supplementary information provided by the agent considers the gap in this case to be from numbers 53 to 53b.  
 However, the Planning Department consider the gap to be measured from 53a to 53b, as these are the buildings with frontage onto the road. The gap site therefore 138m (approx.). The average frontage width is approximately 33m.

The gap between buildings is not a small gap site. The gap could accommodate more than two houses and therefore does not meet criteria (b). The application site is not an exception to policy and contributes to ribbon development. The gap site serves to provide relief and a visual break in the developed appearance of the locality along Ayalogue Road and helps maintain rural character. It is not an exception to policy.

- c. *Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.*  
 The application site is approximately 47m wide. Given the plot size of neighbouring properties, the proposal does respect the existing development pattern in relation to plot size. As the application is for Outline Planning Permission, the scale of the proposal would be assessed at Reserved Matters stage. A condition could be attached relating to the siting of the proposal within the application site.

- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character). The proposal is not compliant with other planning and environmental requirements in terms of rural character (See below under CTY 14).

### **CTY 13 – Integration and Design of Buildings in the Countryside**

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The site features established natural boundaries which provide a suitable degree of enclosure for the building to integrate into the landscape. Given the topography of the application site, the proposal is not a prominent feature in the landscape. Ancillary works would integrate with the surroundings. The design of the building would be assessed at Reserved Matters stage. The proposal would blend with the landform, existing trees and natural features which provide a backdrop.

### **CTY 14 – Rural Character**

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

It is considered that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside. The proposal is therefore contrary to CTY 14 Rural Character.

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

The application complies with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

### **Planning Policy Statement 2 – Natural Heritage**

The site lies within an Area of Outstanding Natural Beauty. Policy NH 6 refers to AONBs. It highlights that planning permission for a new development will only be granted where it is of an appropriate design, size and scale for the locality and all of 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;
  - Local materials, design and colour.

Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. I consider that the proposal is

contrary to NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB.

**Recommendation:**

Refusal

**Reasons for refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of PPS 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon development along Ayalogue Road and does not represent an exception of policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 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 4.2.2021

**Authorised Officer:** A.Davidson 4.2.2021





Comhairle Ceantair  
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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0669/F

**Date Received:** 15/05/2020

**Proposal:** 2 dwellings and 2 garages.

**Location:** 90m SE 21 Ballynalack Road, Ballynalack, Camlough.

**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 a designated Area of Outstanding Natural Beauty.

The site is a portion of agricultural land located on the edge of the public road, the site slopes to the north east towards Camlough Lake which is beyond the site and further agricultural land.

To the south of the site a large agricultural building is located and beyond this and further south is an old dwelling No 24, to the north west of the site is an agricultural field and beyond this is a small agricultural building which is set slightly back from the public road and accessed via a narrow access laneway.

The site is located in a rural area although there are some properties in the vicinity of the site along with some agricultural buildings.

**Site History:**

No relevant planning history.

**Planning Policies & Material Considerations:**

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

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

**Consultations:**

DFI Roads – No objections.

NI Water – No objections raised, conditions suggested.

### **Objections & Representations:**

The application was advertised on 16/06/2020, no neighbours were notified as no properties abut the site, no objections or representations were received.

### **Consideration and Assessment:**

#### **Strategic Planning Policy Statement for Northern Ireland**

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

#### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for gap site which is accordance with policy CTY8.

#### **Principle of Development**

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Policy states that an exception will be to develop a small site sufficient only to accommodate up to a maximum of two dwellings, given that the gap between the agricultural buildings on either side of the site measures 113 metres this is not seen as a small gap but rather a gap that could accommodate three dwellings.

The application site has to the south a large agricultural building and adjacent yard area and beyond this No 24 a derelict dwelling, it is considered that there are two buildings to the south which have a frontage with the public road. To the north of the site there is an open field and beyond this there is a small agricultural building which is set back from the road edge with its access via a narrow laneway, the agricultural building is not positioned within the agricultural field adjacent to the site but instead is detached, there is a distance of approximately 25 metres between the application site and the agricultural building to the north. It is considered that the agricultural building does not have a frontage with the road given that it is set back from the road edge with only a very narrow agricultural access adjoining the public road. It is also considered that as the agricultural building is detached from the adjacent field with no direct

access it is not seen as forming part of that field but instead is considered a separate plot. As such the building is not considered to have a frontage with the road and it is also considered that the area of agricultural field between the site and agricultural building is a break in the frontage. The agent for the proposal was made aware of the concerns and additional information was provided along with the information originally submitted. The information argued that the agricultural building to the north does have a frontage given its close proximity to the public road and the existing access point and it also argues that the agricultural building and the adjacent field should be considered as one plot which extends to the boundary with the application site.

The information submitted was considered and it remains that the building is not considered to have a frontage and the adjacent field is seen as a separate plot which provides a visual break between the application site and the building to the north. It also remains that if all other requirements of policy had been met the gap is not considered small but instead it could accommodate three dwellings.

As such, the application site is not considered to be a small gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would create a ribbon of development.

The proposal is not considered an exception to policy but is contrary to CTY8 and as there are no overriding reasons why the development is essential in this rural location and it does not meet any exceptions it is also contrary to CTY1.

### **Design, Appearance and Layout**

The proposal is for two properties with both to be one and a half storey in design and include detached garages, driveways and parking areas and surrounding garden space. The proposed dwelling types are quite contemporary in their design, but it is considered that their designs would be acceptable if the principle of development was acceptable. The proposed layouts include areas of hard standing, these areas have now been reduced and it is considered that the level of hard standing is now acceptable on balance. The proposed garages are of a size and scale that are considered acceptable, the proposed materials for the dwellings and garages are not seen as a concern. The surrounding area includes a variety of different house types, it is considered that the design, appearance and layout of the proposed dwelling would be acceptable in this area if the principle of development was acceptable.

### **Integration, Design and Rural Character**

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. In terms of CTY13 the proposal will be critically viewed from the Ballynalack Road in both directions with existing vegetation removed from the road frontage. The site is unable to provide a suitable degree of enclosure and relies primarily on the use of new landscaping to enable the dwellings to integrate into the landscape and as a result, the proposal is contrary to CTY13 (parts b and c).

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. Given that the proposal is not considered as an infill opportunity it will create a ribbon of development along Ballynalack Road, this will therefore result in a suburban style build-up of development



when viewed with existing buildings. The proposal is considered contrary to parts (b) and (d) of Policy CTY14.

#### **Area of Outstanding Natural Beauty**

Planning Policy Statement 2 Policy NH6 is applicable due to the location in the AONB, the siting (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.

#### **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 CTY8 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 Ballynalack Road and does not represent an exception of policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed buildings rely 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 buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and 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:** 07/01/2020

**Authorised Officer:** Andrew Davidson

**Date:** 07/01/2020



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

**Application Reference:** LA07/2020/1888/F

**Date Received:** 16/12/2020

**Proposal:** Single storey extension to existing dwelling.

**Location:** 6 Pinewood Glen, Crossmaglen.

**Site Characteristics & Area Characteristics:**

The application site is located within the settlement of Crossmaglen as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site contains a semi-detached property which has a one and a half storey design to the front and two-storey to the rear, the front elevation includes dormer windows. The property has a driveway and very small garden area to the front with the main garden area to the side and rear. A shed is located to the rear of the property and the garage of No 7 is positioned along the boundary with the adjacent property.

The site is located within a small residential development consisting of a mix of single storey and one and a half storey properties.

**Site History:**

No relevant planning history.

**Planning Policies & Material Considerations:**

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

- Banbridge Newry and Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland
- Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations).

**Consultations:**

No consultations issued for this application.

**Objections & Representations:**

The application was advertised on 12/01/2021 and 2 neighbouring properties were notified on 31/12/2020, no representations or objections have been received.

**Consideration and Assessment:**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The application site is located within the settlement limits of Crossmaglen, the Banbridge/ Newry and Mourne Area Plan contains no policies relating specifically to the application site or the proposal for an extension to a dwelling. The policy context is provided by the first Addendum to Planning Policy Statement 7- Quality Residential Environments (PPS7), entitled 'Residential Extensions and Alterations' (The Addendum).

Policy EXT 1 of the Addendum to Planning Policy Statement 7 is applicable for all residential extensions. Policy states that any extension or garage should be subordinate in scale and similar in style to the existing property, taking account of materials and the local character of the area.

The proposal seeks planning permission for a single storey extension to the existing property.

The proposed extension is to the side and rear of the existing property, the extension is to be single storey and is flat roof in design. The extension will provide additional living space in the form of a kitchen and living area.

The proposed extension is considered subordinate to the existing property and it will not have a dominant impact on the site. The extension is designed to be stepped back to fit the shape of the site, as a result the area of the extension visible to the front of the property will be small in size and scale with the main area of the extension set to the rear of the property. The extension is quite modern in its design with a mix of timber cladding and rendered walls and also large glazed windows to the rear. Although the extension differs in design from the existing property it will not result in an unacceptable impact on the existing property or surrounding area but instead the modern design will enable the extension to be clearly viewed as a new addition to the property.

The size, scale and design of the proposed extension are considered acceptable in this case and materials although different from the existing property are considered acceptable.

The proposal will not unduly affect the privacy or amenity of any adjoining neighbours as there are no windows that would lead to overlooking. The extension will not result in a loss of light to any neighbouring property, the 60 degree angle test has been carried out and the proposal will not result in a loss of light and it will not have a dominant impact on the neighbouring property.

The proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

The proposal will see sufficient amenity space remain within the site given the size of the existing garden area and the removal of the existing shed, adequate parking provision will also remain at the site.

It is considered that the proposal meets the policy criteria set out in EXT1 of the Addendum to PPS7.

**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: Drawing No's IN(00)001 Rev A, G(00)001 Rev 1 and G(00)101 Rev 1.

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

**Case Officer:** Wayne Donaldson

**Date:** 24/02/2021

**Authorised Officer:** Andrew Davidson

**Date:** 26/02/2021





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

**Application Reference:** LA07/2020/1394/O

**Date Received:** 01/10/2020

**Proposal:** Proposed 1 1/2 Storey dwelling (Ridge Height of 7.5m) and garage.

**Location:** 90m West of No16 Desert Road, Mayobridge, Newry, BT34 2JB

**Site Characteristics & Area Characteristics:**

The application site relates to an elevated parcel of land forming part of a larger agricultural field located along Desert Road. The site can be accessed via a laneway to the south west. Part of the rear site boundaries are formed by low level stone with the eastern and southern boundaries undefined. The application site is located outside any defined settlement limits.



*Application Site*

## Planning

### & Material Considerations:

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

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 21- Sustainable Development in the Countryside

## Policies

### Site History:

There is no relevant planning history on the application site.

To the west of the site:

- **P/2004/2366/O**- Site for dwelling and garage on lands 100m SW of 16 Desert Road, Rathfriland. Permission granted 17<sup>th</sup> August 2006 subject to a ridge height condition of 5.5m above FFL.
- **P/2009/1056/RM**- Erection of dwelling and garage 100m SW of 16 Desert Road, Rathfriland. Permission granted 16<sup>th</sup> October 2009.

### Consultations:

- **NI Water**- Generic response provided
- **DAERA**- Confirmed farm business ID has been in existence for more than six years, that the Business id identified on P1C submitted claimed payments through the Basic Payment Scheme of Agri Environment Scheme in each of the last six years and that the application site is land for which payments are currently being claimed by the farm business.

- **DFI Roads-** No objections in principle, conditions provided.

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

No neighbours required notification and the application was advertised within one local newspaper with the statutory expiry 27/10/2020. No objections or submissions have been received.

#### **Assessment:**

The site lies outside any settlement limits defined by the Banbridge/ Newry and Mourne Area Plan (2015).

#### **Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord 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 PPS 21 sets out a range of types of development which in principal are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

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

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.

This application seeks outline planning permission for a new dwelling house and detached garage on a farm and as such Policy CTY 10 is applicable.

The Agent was contacted on 13<sup>th</sup> November 2020 advising of concerns/ further information required to progress the application:

- *Include all lands within the control of the applicant in blue, are the farm buildings at 16 within the control of the applicant?*
- *Provide land registry maps with folio details for lands to the west of the application site which has approvals under P/2004/2366/O & P/2009/1056/RM to demonstrate no development opportunities have been disposed of.*
- *In terms of criterion c of Policy CTY10, we are of the opinion that given the separation distance and distance in levels on the ground, that the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm.*
- *The site is an elevated open site and we would also have concerns it would be contrary to Policies CTY8 and CTY13 and 14 of PPS21.*

The Agent provided the following response on 20<sup>th</sup> November 2020:



- *I have amended the site location map to show all adjacent land within the farm holding outlined in blue and will forward copies shortly.*
- *The applicants solicitor is providing confirmation that the extant site is still within the farm holding which I will forward shortly.*
- *I have again visited site and from the public road there is a visual link between the rear sheds and the proposed site. The proposed dwelling could have ground levels reduced to that of the front portion of the site to enhance this link. As stated in the application our reason for choosing this site is that it is a rock outcrop with little agricultural use but this rock could be lowered to accommodate any new dwelling. Also the proposed site is directly adjacent to the lane to the farm and there would be minimal visual impact from the access.*
- *The site levels can be reduced if deemed necessary. There are trees at a lower level to the rear of the site and an existing approval on lands to the west which would add to the sense of enclosure. Although the applicant would prefer a ridge height suitable for decent attic accommodation they would consider a ridge height restriction allowing some form of first floor accommodation in conjunction with reduced site levels if the site was deemed acceptable. If this is an option I can provide a site section and details of ridge height for inclusion with the approval documents.*

Land registry maps with folio details were provided on 5<sup>th</sup> February 2021. The application will be assessed based on information submitted to date.

Policy CTY 10 states:

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

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

*In such circumstances the proposed site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY16".*

Assessing this planning application against the criteria of CTY 10:

- a) DAERA have confirmed that the farm business ID has been in existence for more than six years, that the Business id identified on P1C submitted claimed payments through the Basic Payment Scheme of Agri Environment Scheme in each of the last six years and that the application site is land for which payments are currently being claimed by the farm business.



- b) Land registry details were requested to demonstrate that the development opportunities P/2004/2366/O and P/2009/1056/RM had not been disposed of. Folio maps and title deeds have been provided to demonstrate compliance with criterion b.
- c) The Agent contends that from the public road there is a visual link between the rear sheds and the proposed site.

While it is noted the applicant (Mr Christopher Simpson) lives in Warringstown, the farm business is registered to Mr Graham Simpson of 16 Deserts Road.

The farm dwelling at No 16 and associated buildings are accessed via a laneway to the south east of the application site and are sited at a lower level than the application site. Given the topography, separation distance and separate access proposed, it is considered the proposal would not be visually linked or sited to cluster with an established group of buildings on the farm and consider the proposal to fail to meet criterion c.

Policy states that Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. The supporting statement states that the site was chosen as it is next to the working farm yard but not immediately beside the busy yard with all the inherent Health and Safety concerns. However, no further information has been submitted to advance this argument.

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the surrounding landscape. A new building will be unacceptable where it will be a prominent feature in the landscape, where it lacks long established natural boundaries or is unable to provide a suitable degree of enclosure or where it relies primarily on the use of new landscaping for integration. The application site lacks a southern or eastern site boundary as it forms part of a larger field. The roadside boundary is formed by part stone wall and part wire and post fencing which offers no integration for the site particularly given its elevated nature. The proposed dwelling of 7.5m ridge height would appear as prominent in the landscape on approach from the east, the site lacks established boundaries to provide enclosure and would rely on new landscaping for integration. As highlighted above, the proposal is not visually linked or sited to cluster with an established group of buildings on a farm. The proposal is contrary to criterion a, b, c and g of Policy CTY13.

Policy CTY 14 states that permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where it creates or adds to a ribbon of development. As previously stated, the approval of a dwelling and garage on the application site would create a ribbon of development and appear as prominent in the landscape which is contrary to criterion a and d of Policy CTY14.

### **PPS3- Access, Movement and Parking**

DFI Roads have been consulted on this application and are content subject to conditions. The proposal is considered to comply with Policy AMP2 as the access will not prejudice road safety or significantly inconvenience the flow of traffic.

**Recommendation:** Refusal

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposal would appear as a prominent feature in the landscape
  - the proposed site lacks long established natural boundaries
  - the proposed building relies primarily on the use of new landscaping for integration
  - the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm

and therefore, would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would if permitted, appear as a prominent feature in the landscape and create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
5. This refusal notice relates to the following plan: 2508-L Rev A.

**Case Officer Signature:** E. Hart

**Date:** 23/02/2021

**Appointed Officer Signature:** M Keane

**Date:** 02-03-21



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/1375/F

**Date Received:** 16<sup>th</sup> September 2019

**Proposal:** Erection of 2 Dwellings

**Location:** Lands immediately south of 17 Leitrim Road Ballymaginaghy Castlewellan Co Down

**Site Characteristics & Area Characteristics:**



The site is located in part of an agricultural field that sits off the Leitrim Road, adjacent to no 15 and no 17 Leitrim Road. The site rises up steeply from the road and is of an undulating topography across the site. There is no defined boundary to the east of the site. The site is bounded on either side by the boundary treatments of dwelling no 15 and 17 Leitrim Road and is bounded to the road by a stone ditch and post and wire fence with intermittent hedging. The site has a back drop of the remainder of the hill to the rear. There is an overgrown agricultural access lane running between the site and dwelling no 15 Leitrim Road.

The site is not located within any settlement development limits as defined in the Banbridge/Newry and Mourne Area Plan 2015. The site is also within the Mourne Area of Outstanding Natural Beauty and is also within the sphere of influence of an Archaeological Site and Monument of type Cashel.



**Site History:**

LA07/2018/0721/F - Lands immediately south of 17 Leitrim Road, Ballymaginaghy, Castlewellan - Dwelling with garage on gap site - PERMISSION REFUSED - 15.02.2019

**Planning Policies & Material Considerations:**

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Banbridge, Newry and Mourne Area Plan 2015, PPS 3, and 21 (CTY 8, 13), in addition, to the history and any other material consideration.

The application was advertised in the local press on 02.10.2019

The relevant neighbours were notified of the proposal on 24.09.2019 and again on 22.10.2019 following receipt of amendments.

**Consultations:**

In assessment of the proposal it is considered that a consultation with DfI Roads, Northern Ireland Water and Historic Environment Division (HED) was necessary, to which they have no objections.

**Objections & Representations**

2 Letters of objection have been received from the owner / occupier of 15 Leitrim Road Castlewellan. The issues raised relate to road safety, land ownership and impact of the proposal on the AONB.

**Consideration and Assessment:**

The proposal seeks full planning permission for the erection of 2 dwellings.

Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as a LDP. The appeal site, located within the Mourne Area of Outstanding Natural Beauty (AONB), is outside any designated settlement development limit identified in the plan; therefore the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

Policy CTY 1 of PPS 21 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 CTY 8 of PPS 21.

**Policy CTY 8**

CTY 8 of PPS 21 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.

For the purposes of CTY 8 the policy defines a substantial and continuously built up frontage as a line of 3 or more buildings along a road frontage without accompanying development to the rear. In assessment of this it is noted that the site shares a common frontage with numbers 11, 15 and 17 Leitrim Road. There are therefore 3 buildings along a road frontage.

The site has a frontage of 46m, those adjacent at Nos 11, 5 and 17 have frontages of 40m, 47m and 30m respectively. The average frontage therefore of all four plots is noted to be 40m. It is clear from this assessment therefore that in order to maintain the existing pattern of development in terms of frontage, **the site could only accommodate one dwelling successfully**, as its division into two plots would not be in keeping with the existing development pattern along the frontage.



The proposal therefore, for 2 dwellings, does not comply with the policy and must be recommended for refusal on this basis.

**The agent was asked to consider amending the proposal to only one dwelling and given a timeframe to do so in line with the Councils current scheme of delegation but failed to do so by the stipulated date.**

### CTY 13

In assessment of the design, siting and integration of the proposal, Policy CTY13 of PPS 21 is applicable which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

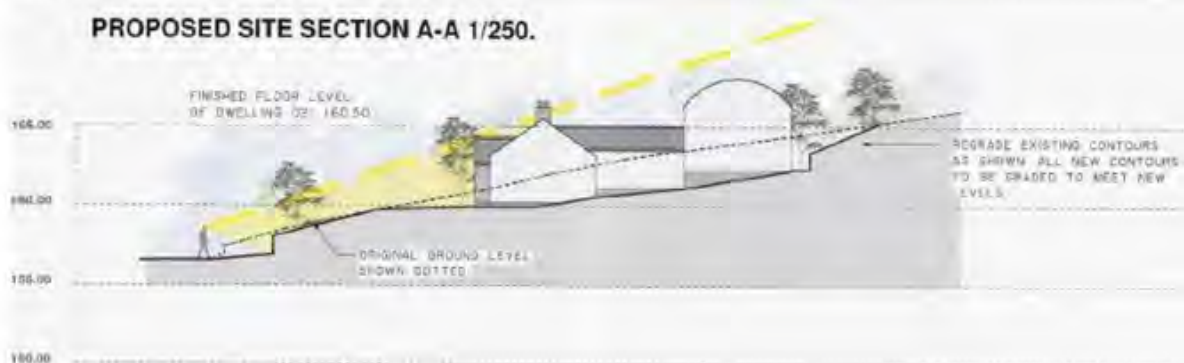
A new building will be unacceptable where:

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

- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

The dwellings proposed in this scheme are noted to be single storey with a link section leading to an elevated return to the rear.

Given the levels of the site and in order to construct this dwelling type, significant grounds would be required as shown in the section drawings below. It is noted is some parts of the site the site would require cut in excess of 2m.



Paragraph 5.64 in the justification and amplification section of CTY13 states that a new building that relies on significant earth works such a mounding or cut and fill for integration will be unacceptable.

In assessment of the design, the split-level dwellings proposed are not considered to be appropriate for the site, particularly due to the position of the rear return appearing above the ridge of the main dwelling section as shown below.



This design only serves to further highlight how developing the site with two dwellings rather than one is flawed and would result in a scheme which does not respect the existing site conditions or enable integration of that proposed within the surrounding countryside.

It is considered therefore that the proposal fails to comply satisfactorily with the requirements of CTY 13.

### **PPS3**

The site proposes to access onto the Leitrim Road by creating a new access. Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

The issues raised by the objector, regarding ownership of the splays are noted, however, such matters are civil matters for the applicant and land owner to resolve. In the event that planning permission is granted at this site, it would not confer title and the matter regarding ownership of the splays should be resolved by the relevant parties.

### **Conclusion**

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal is unacceptable in planning terms.

### **Drawings**

The Drawings considered as part of this assessment are as follows

P01, SV01, P02c, P03a

### **Recommendation: REFUSAL**

#### **Reasons:**

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



2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site cannot accommodate 2 infill dwellings whilst respecting the development pattern along the frontage.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed dwellings are inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

Case Officer: Claire Cooney

Date 24.02.2021

Authorised Officer: Annette McAlarney

Date: 24 February 2021



This is a proposal for two dwellings on a gap site. The history goes back a few years. An initial application was made for 2 dwellings. There were access issues identified. In communications with the planning department at that time, there were no concerns expressed in relation to siting or plot size, but due to an administrative error the application had to be returned as invalid. At that time because of the road's issues, the access could only be positioned at a specific place. Because of the location of the access it did not make any sense to seek a second dwelling. That application was unsuccessful. After that, a roads consultant was appointed and an acceptable roads solution identified. This has met with the approval of DfI Roads. The position of the access is such that a single dwelling would be placed to one side of the site or the other. That would leave a natural gap on the other side, hence two is the optimum number of dwellings in this case. The access simply has to be placed where it is proposed otherwise it will not be acceptable to DfI Roads.

This case appears to rest on the issue of plot size. This issue was appraised as follows:

*The site has a frontage of 46m, those adjacent at Nos 11, 5 and 17 have frontages of 40m, 47m and 30m respectively. The average frontage therefore of all four plots is noted to be 40m. It is clear from this assessment therefore that in order to maintain the existing pattern of development in terms of frontage, the site could only accommodate one dwelling successfully, as its division into two plots would not be appropriate or in keeping with that existing. The proposal therefore, for 2 dwellings, does not comply with the policy and must be recommended for refusal on this basis. Officers are misguided, the policy does not expect one to maintain the existing pattern of development, but simply to respect it.*



In the first instance, No. 17 measures 27 metres wide, not 30 metres, as stated. The application site measures 47 metres wide, not 46 as stated. These are not significant deviations but they also distort the mathematical picture.

Infill opportunities are made available, provided these “*respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meet other planning and environmental requirements*”. To “respect” is “to pay due regard to”. It is not “to replicate” or to “maintain”. There is no requirement to calculate a mathematical average of plot widths and to establish an arbitrary rule to maintain a mathematical average. This is a view shared also by the Planning Appeals Commission and their approach is outlined as follows:

*“while a measure such as average frontage width can inform assessment of the existing frontage development pattern, the policy does not necessitate duplication of such a mathematical factor in respect of proposals for infill development. The assessment of whether a proposal would respect the existing development pattern along the frontage requires consideration of the matters of size, scale, siting and plot size in the round” (PAC Ref. 2019/A0027).*

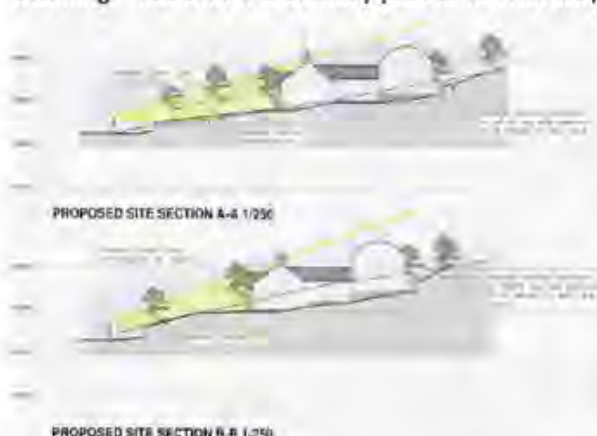


This is a concept that has been increasingly recognised by the planning department. In short, we see no reason why a mathematical exercise would be the appropriate way of determining a planning application. While the proposed plots would have slightly smaller frontages individually than their immediate bounding properties, when looking at the site on the ground it is clear that 2 dwellings are not being shoehorned into the site. This has not been determining in many recent approvals in this District including LA07/2020/0335/F where there was a significant variation in plot frontages and approval was granted for 2 dwellings on a gap site.

Of the three dwellings within this row of development there is not a strong traditional pattern of development exhibited. The two proposed plots are a mere three metres narrower than the adjacent plot. This is not a significant variation, especially when one considers that even a single dwelling could not be positioned centrally on the site – it would need to be moved to one side or the other to allow for a centrally-positioned access (which is the only place acceptable to DfI Roads).

Another problem with the mathematical approach is that if the average had been calculated on the basis of 5 dwellings (i.e. 2 plots here) the plot widths would have been closer to the average. The fact that we cannot even agree upon how the measurements should be obtained is indicative that this decision should be based upon a visual judgement.

Officers have concerns about the scale of ancillary works, opining that 2 metres of cut is not appropriate. The applicant has actually built across contours, in order to avoid the need for prominent retaining structures. The alternative to this proposal is to perch the development at the upper end of the site. That would be elevated above the roadside significantly. The access would be unacceptably steep, or else it would have to wind across and back through the site, which would be entirely suburban. The alternative would be to bring the development to the roadside, which would lead to excessive retaining walls to the immediate rear – which is an example of inappropriate ancillary works, or to run with a split-level design. Officers cite concerns with the height of the rear element of the house (sitting higher than the front). This is generally an unacceptable design solution on a flat site. We are not dealing with a flat site however. Because of the nature of this terrain, all views will be upwards from the road, over the ridge of the front section of roof. The design is intended to mimic the unification of house and barn, and the joining of old and new. In so doing, the immediate assumption will be that the round-roofed structure sits behind the dwelling – not that it is actually part of it. That way the scale, bulk and massing are kept in check.



The proposed dwellings have been designed to integrate with the sloping site and by incorporating 3 sections it enables the building to be stepped at different levels, thus minimising the amount of cut required in the land. If the applicant was to propose a traditional design, more cut would be required and as a result a retaining wall may have to be constructed to support the soil latterly. The applicant has looked at the design extensively to avoid this type of development of (which would not integrate into the surrounding landscape).

The case officer has clearly stated within their report that the objection received from a member of the public is not a planning matter and is a matter to be resolved between the applicant and the objector.

Within the case officers final report in their conclusion it is stated that as part of their overall decision, it was partly based on the input of the council's consultees that the proposal is unacceptable in planning terms. However, HED, NI Water and DfI Roads have no concerns, therefore it is unclear how this has helped the planning department come to the conclusion that this application should be recommended for refusal.





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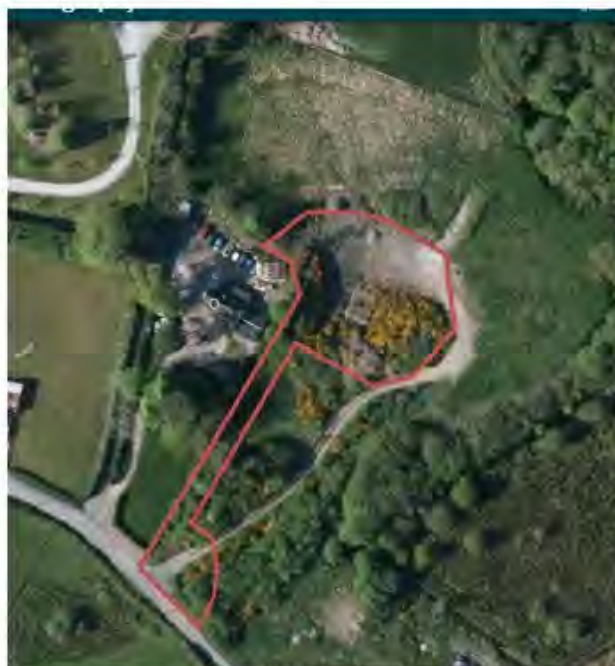
**Application Reference:** LA07/2020/0299/F

**Date Received:** 26.02.2020.

**Proposal:** Single storey dwelling

**Location:** Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick.

**Site Characteristics & Area Characteristics:**



The application site forms a plot of land cut out of a larger field. Access to the site is available from a laneway leading off the Annacloy Road North. There is a square shaped set of foundations evident within the site, set back approx. 90 metres from the road. Adjacent to the site is the dwelling and outbuildings at No. 7 Annacloy road North.

The application site is outside the development limits as defined by the Ards and Down Area Plan 2015. The surrounding area is rural in character, with development comprising of single houses and associated outbuildings.

### Site History:

- R/2004/1192/O, Adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick, BT30 9AF, Erection of single storey dwelling, PERMISSION GRANTED.
- R/2008/0028/RM, Adjacent to 7 Annacloy Road North, Dunnanevly, Downpatrick, Erection of single storey dwelling., PERMISSION GRANTED.
- R/2009/0622/F, Adj to 7 Annacloy Road North, Dunnanelly, Downpatrick., Relocation of an access to a dwelling already approved R/2008/0028/RM., PERMISSION GANTED.

### Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- Ards and Down Area Plan 2015.
- Planning Policy Statement 21 – Sustainable Development in the Countryside.
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

### Consultations:

There were two consultations issued for this proposal, see below.

- Department for Infrastructure Roads (DFI Roads) – Conditions relating to the provision of a safe access. (22/04/2020). Confirmation that neither the Entrance or Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/2020 when checked on 26 August 2020. (10/09/2020)
- Northern Ireland Water (NI Water) – Generic response. (12/03/2020).

### Objections & Representations

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 08<sup>th</sup> June 2020. There were no representations received.

### Consideration and Assessment:

This application is seeking planning permission to construct the dwelling previous approved under R/2004/1192/O and R/2008/0028/RM.

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for single dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

### Principle of Development

The principle of a dwelling was established on this site through the approval of planning applications R/2004/1192/O (approved on 14/01/2005) and R/2008/0028/RM (approved on 26/11/2008). Condition 1 on R/2004/1192/O required that development approved must be begun by either the expiration of a period of 5 years from the date the permission of the outline permission or the expiration of a period of 2 years from the date the permission of the reserved matters permission, whichever is the later date. This would mean that development must have been begun by 25/11/2010. As this application was received on the 26<sup>th</sup> February 2020 the important aspect to the determination of the application is to ascertain if the



development has commenced in order to keep the permission live. The onus is on the agent/applicant to demonstrate that development of the previously approved dwelling had commenced prior to the expiry of that decision. As there was a pre-commencement condition with regards to the access including the visibility splays etc attached to the previous approval the onus was also on the agent/applicant to demonstrate compliance with this condition.

Under planning application R/2009/0622/F permission was granted for the relocation of the access to the dwelling already on site. This new access was to be located approx. 30 metres south east of the existing access Condition 2 of this approval was a pre-commencement condition requiring the vehicular access, visibility splays and forward site line to be provided in accordance with the approved plans **prior to the commencement of any works or development hereby permitted** and condition 3 requiring that the visibility splays and forward sight line to be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway **before development hereby becomes operational and shall be retained thereafter**. From the aerials and google street view it not clear that the pre-commencement condition had been complied with within the require timeframe. Having consulted with the Department for Infrastructure Roads (DFI Roads) on this application, they have confirmed that *"neither the Entrance nor Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/20 when checked on 26 August 2020"*. This is the same access approved under R/2009/0662/F.

A letter from the Building Control Department within the Council confirmed that a Building Control inspection took place on 22<sup>nd</sup> November 2010 at 5a Annacloy Road, North. This would demonstrate that foundations were in place prior to the expiry of the previous approval. Checking the Orthophotography images of the site, clearing works within the site were evident in the 2012 image and a square shaped set of foundations in place, see below.



Upon measuring the foundations from Spatial NI they are approx. 8.4m x 8.8m. The shape of the dwelling and garage approved resembles an upside down, reversed "L" shape with an additional length of building set at an angle of approx. 45 degrees. The agent has stated on the P1 form submitted with this application that the foundations of the attached garage approved under R/2008/0028/RM were part excavated and concreted but not completed.



# Approved position of the garage under R/2008/0028/RM



The dwelling and garage within the application site was approved adjacent to the outbuilding within the adjoining curtilage of No. 7, with its longest, straight elevation less than 3 metres from this outbuilding. While the foundations on site only represent a small section of the development approved, they do not appear to be in a place where development was approved or represent the position of the approved garage. As demonstrated above, the north western corner of the foundations measure 19.8 metres from the outbuildings south eastern corner. The foundations do not appear to have been laid in accordance with the previous approval, development cannot therefore be considered to have commenced in accordance with the approved previously plans and thus the previous planning permission is considered to have expired.

The agent/applicant was advised on 17/07/2020 that as the previous approval had expired additional evidence was to be submitted to demonstrate development approved under R/2008/0028/RM and R/2009/0662/F commenced prior to their and in accordance with the approved plans and conditions. A further email was issued to the agent/applicant on the 20/08/2020 again seeking additional information in regard to this. On the 24<sup>th</sup> August 2020 a letter from the Building Control Department was submitted outlining an inspection of the foundations took place on 22<sup>nd</sup> November 2010 as detailed above. A further email was issued to the application / agent on the 24<sup>th</sup> August 2020 advising that the onus is on the applicant to demonstrate to the Planning Department that pre-commencement conditions have been fulfilled and that the vehicular access was in place prior to the commencement of works on site and that further evidence was requested to demonstrate that the approved access under R/2009/0662/F was in place prior to any works beginning on site. A response was received on the 28/08/2020 with a link to a google street view image of the sites frontage onto the Annacloy Road. The access approved was to be positioned approx. 30 metres SE of the existing access serving the adjoining property, No. 7,

with the new access lane turning towards the front curtilage on No.7 and running along the shared boundary with the application site. This is not the access demonstrated on the 2008 Google Street View image nor on any aerials of the application site ranging in date from 2009 – 2019. Further DFI Roads having inspected the site in August 2020, has confirmed the access has not been formed as per Drawing No. 20/01/01 which is the same as the access approved under planning application R/2009/0662/F.

It does not appear that any of conditioned access works commenced prior to the expiry of the previous approval. The agent/applicant did not demonstrate that the required visibility splays were in place prior to the commencement of development works within the application site and it is considered that the issue of commencement remains unproven. In the absence of any verifiable evidence that the pre-commencement conditions have been complied with on or before the expiry of permission and that development occurred in accordance with approved plans then the Planning Department cannot consider this application on the back of an expired permission.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safeguards the policy requirements of policy CTY 16.

The access arrangements are to be as previously approved. DFI Roads has no objections in relation to PPS3 subject to conditions and informative.

However, notwithstanding the above, as the previous approval has not lawfully commenced, there is no fall-back position, thus the application must be considered afresh. PPS 21 is the current policy provision in place that outlines the circumstances whereby planning permission will now be granted for a new dwelling in the countryside. No justification has been provided on how the proposal now complies with any of these exceptions and it is considered there is no policy support for this proposal

**Recommendation:**  
Refusal

|   |
|---|
| <p><b>Case Officer: Laura O'Hare</b></p> <p><b>Date: 05/11/2020</b></p>                 |
| <p><b>Appointed Officer: Annette McAlarney</b></p> <p><b>Date: 09 November 2020</b></p> |

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.





Comhairle Ceantair  
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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0299/F

**Date Received:** 26.02.2020.

**Proposal:** Single storey dwelling

**Location:** Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick.

#### **Addendum to Case Officers Report**

Planning application LA07/2020/0299/F was recommended for refusal on the 16/11/2020 with the following refusal reason:

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.

This application was due to feature at the Council's Planning Committee in December 2020, but was removed from the agenda by Councillor Trainor. Further information was submitted by the agent on the 2<sup>nd</sup> February 2021 for consideration. Please see below.

- A planning statement from the agent.
- A letter dated 23<sup>rd</sup> October 2019 from the enforcement section within the Newry, Mourne and Down Planning Department regarding the enforcement case for '*Alleged unauthorised clearing of land and trees, planning permission has expired*' at adjacent to 7 Annacloy Road North. The letter advises that this matter is immune from enforcement in accordance with Time Limits set out in Section 132 of the Planning Act (Northern Ireland) 2011 in that, the access and garage founds are immune. The removal of screening is not a breach. It is not expedient to enforce against infilling and so accordingly the Council does not intend to peruse this matter any further.
- A letter from Building Control dated 20<sup>th</sup> August 2020, confirming that their records show a Building Control Inspection of Commencement/Foundation was carried out on the 22<sup>nd</sup> November 2010 and deemed satisfactory.
- Google Street View imagery of the sites frontage on to the Annacloy Road dated October 2008 and March 2011.



Within the Planning Statement the agent outlined the following points:

- Point 1: *The submitted letter from Building Control validated commencement of development within the required time frame.* While the Planning Department do not dispute works commenced prior to the expiry of the approval, aerials of the application demonstrate clearing of the site and foundations in place in 2012, however the foundations evident are not considered to be in laid in accordance with the approved plans as noted in the case officers report. The foundations in place reflect a square shape and are positioned approx. 20 metres east of the south eastern corner of the outbuilding to the rear of No. 7 Annacloy Road North. Upon checking the siting and layout of the dwelling approved, the foundations do not reflect the approved siting or layout of the dwelling.
- Points 2, 3 and 4: *Evidence from Google street view and aerial photography clearly shows sight lines and visibility spays were operational and in place prior to works commencing within the site in November 2010.* As noted in the case officer report, in a consultation response from DFI Roads on 22<sup>nd</sup> March 2020 on this current application, DFI Roads stated no objections to proposal subject to two conditions. Further confirmation was sought from DFI Roads on this and upon inspection of the site in the 26<sup>th</sup> August 2020 it was confirmed by DFI Roads that neither the “Entrance nor Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/20”. The agent has stated this was due to growth and believes the Google street view imagery of the sites frontage in October 2008 and March 2011 demonstrates the approved access was in place. Images below demonstrate the new access approved under R/2009/0622/F and the aerial imagery of the site, dated 2012. The access approved was to be positioned approx. 30 metres SE of the existing access serving the adjoining property, No. 7, with the new access lane turning towards the front curtilage of No.7 then running along the shared boundary with the application site. This is not considered to be the access demonstrated on the 2008 Google Street View image nor on any aerials of the application site ranging in date from 2009 – 2019.



The pre-commencement conditions attached to the previous approval required all the works associated with the access including the visibility splays to be implemented prior to commencement.

***The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.***

Therefore, this must be done in full compliance with the approved plans and then the development must be commenced to ensure the permission is correctly implemented. In the absence of the access being completed in full compliance with approved plans the pre-commencement conditions cannot be considered as satisfied and therefore the previous permission has not been enacted.

In the absence of any verifiable evidence that the pre-commencement conditions have been complied with and that development occurred in accordance with approved plans then the Planning Department cannot consider this application on the back of an expired permission. There is no provision in rural policy now to allow for a dwelling on this site.

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| <p><b>Case Officer:</b>     <b>Laura O'Hare</b></p> <p><b>Date:</b> 23.02.2021</p>                |
| <p><b>Appointed Officer :</b>   <b>Annette McAlarney</b></p> <p><b>Date:</b> 23 February 2021</p> |



## Submission to Planning Committee Wednesday 16<sup>th</sup> December 2020

This Planning application is not in conflict with CTY1 of Planning Policy Statement 21 for the following reasons:

The Planning Department Approved Planning Permission :

- R/2008/0028/RM, Adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick, Erection of single storey dwelling., PERMISSION GRANTED.
- R/2009/0622/F, Adj to 7 Annacloy Road North, Dunnanelly, Downpatrick., Relocation of an access to a dwelling already approved R/2008/0028/RM., PERMISSION GANTED.

The plans submitted for LA07/ 2020/0299/F are identical in all aspects to the approved plans of R/2008/0028/RM and R/2009/0622/F. To this effect the Planning Permission Approval was valid for the reasons below.

1. The development had already commenced as validated by Mr. Terence O'Toole the Building Control Surveyor commenced foundations on 22<sup>nd</sup> November 2010. Unfortunately their reference to garage should have stated dwelling, as the garage is an integral part of the dwelling plan. This was within the prescribed commencing time of 2 years as stated in the approved planning application. This can be verified on site that part of the dwelling foundation have commenced.
2. The sight lines and the visibility spays were constructed in accordance with the prescribed information outlined in the approved planning permission. Google evidence is available to this effect.
3. The Google map sent to the case officer confirms that the sight lines and visibility spays were operational.
4. The aerial photograph contained in the case officers Report page 4 clearly shows that the access and the sight lines have been achieved in accordance with the prescribed Planning Approval Condition prior to commencing foundations on site in November 2010.

Mr Liam Trainor from Department for Infrastructure confirmed to Planning Office on 22 April 2020 in relation to plans/documents received by DFI Roads on 11<sup>th</sup> March 2020 Stated:

This Planning application is **not** in conflict with CTY1 of Planning Policy Statement 21 for the following reasons:

**No objections** The vehicular access, including visibility splays and forward sight distance **shall be provided** in accordance with detailed 02 plan bearing the date stamped 17/02/2020 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reference to above states **No objections** and **shall be provided**. However because of the time frame when Mr Neil Graham of Network Planning visited the site on 26<sup>th</sup> August 2020 and stated that neither the Visibility Splays have been formed, this was because of the growth which has taken place since 22<sup>nd</sup> November 2010 when the site inspection for part of the foundations had been inspected by Mr T O'Toole the Building Control Surveyor. The Spatial NI Photograph provided by the Case Officer on page 4 of her Report clearly shows at that date the access and sight lines had already been provided therefore validating the required planning approval condition. The google map photograph below also clearly shows the sight lines and access formation in October 2008.

**There has never been any objections to this development.**

The existing planning approval **R/2008/0028/RM** and **R/2009/0622/F** are still valid and all the prescribed criterion contained within the green forms have been complied with.

The new application LA07/2020/0299/F has been submitted because of correspondence received dated 23<sup>rd</sup> October 2019, which stated Alleged unauthorised clearing of land and trees, planning permission has expired. The matter referred to above is immune from enforcement in accordance with time limits set out in Section 132 of the Planning Act (Northern Ireland) 2011. In that the access and the garage founds are immune. The removal of screening is not a breach. It is not expected to enforce against infilling. Mr. Damien McDowell (Client) reacted to this correspondence by submitting a new



application after discussing with planning officials. This has resulted in the new application which was not required as compliance with R/2008/0028/RM and R/2009/0622/F. had already been achieved. The aerial photograph contained in the case officers Report clearly shows that the access and the sight lines have been formed in accordance with the prescribed Planning Approval Condition prior to commencing foundations on site in November 2010.



Google Map with visibility splays and sight lines visible in October 2008.



Image capture: Mar 2011 © 2020 Google

Google Map with visibility splays and sight lines visible in March 2011.

I would request that the Committee should approve the planning application after considering that the Planning Officer herself has provided proof of compliance with the aerial photograph in her Report in conjunction with the additional evidence provided in this written submission and Google Map Photographs above.

Signed Francis B Kennedy Date 7<sup>th</sup> December 2020

Francis B Kennedy BA, BSc (Hons), MRICS, MCIOB



31/01/2021

2 Annacloy Rd N - Google Maps

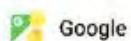
83

Google Maps 2 Annacloy Rd N



Image capture: Oct 2008 © 2021 Google

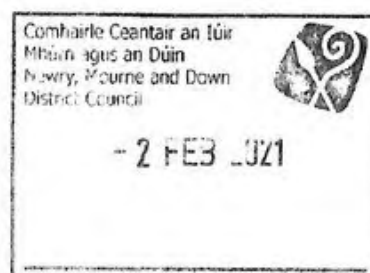
Northern Ireland



Street View



Currently shown: Oct 2008



31/01/2021

2 Annacloy Rd N - Google Maps

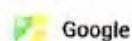
Google Maps 2 Annacloy Rd N

84



Image capture: Mar 2011 © 2021 Google

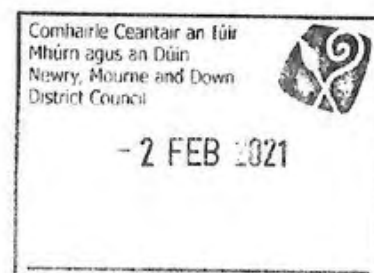
Northern Ireland



Street View



Currently shown: Mar 2011







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

Damien McDowell  
13 Fountain Street  
Downpatrick  
BT30 6AW

Date: 23rd October 2019  
Your Ref:  
Our Ref: LA07/2016/0197/CA  
(Please quote at all times)  
Please Contact:  
Contact Number: 0300 200 7830

Dear Sir/Madam

**Nature: Alleged unauthorised clearing of land and trees, planning permission has expired**

**Location: Adjacent To 7 Annacloy Road North, Dunnanelly, Downpatrick, BT30 9AF,**

I refer to previous correspondence concerning the above.

I can confirm that the Council has now completed its investigations of this case and I can advise that:

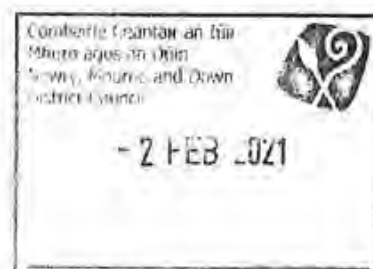
The matter referred to above is immune from enforcement in accordance with Time Limits set out in Section 132 of the Planning Act (Northern Ireland) 2011 in that, the access and garage foundations are immune. The removal of screening is not a breach. It is not expedient to enforce against infilling.

Accordingly the Council does not intend to pursue this matter any further.

The Council will process your information in line with the GDPR requirements. A copy of the full Privacy Statement is available at [www.infrastructure-ni.gov.uk/dfi-privacy](http://www.infrastructure-ni.gov.uk/dfi-privacy) alternatively you can contact the relevant Data Protection Officer listed and request a copy of the Statement to be posted directly to you.

Yours sincerely

for Newry, Mourne and Down Planning Manager



PP

Marie Ward  
Chief Executive



**Newry, Mourne  
and Down**  
District Council

**FP/2010/0735**  
20 August 2020

Mr Damien McDowell  
7 Annacloy Road North  
Downpatrick  
BT30 6SR

Dear Sir / Madam

**Re: Detached Garage at 5a Annacloy Road North, Downpatrick for Mr Damien McDowell**

In relation to the above works our records show the following Building Control inspections;-

- Commencement/Foundations - 22 November 2010 - Satisfactory.

I trust this is of assistance.

Yours faithfully

**Terence O'Toole**  
**Building Control Surveyor**

BR39



**Oifig an Iúir**  
**Newry Office**  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

**Oifig Dhún Pádraig**  
**Downpatrick Office**  
Downshire Civic Centre  
Downshire Estate, Ardglass Road  
Downpatrick BT30 6GQ

0330 137 4000  
council@nmandd.org  
www.newrymournedown.org

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an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/1312/F

**Date Received:** 29.08.2019

**Proposal:** Two Infill Dwellings and Garages

**Location:** Between 12 & 16 Lisinaw Road, Crossgar.

**Site Characteristics & Area Characteristics:**

The site forms part of an agricultural field with a road side frontage to the Lisinaw Road. The site is relatively flat. The site's northern boundary is formed by timber post and wire fencing. The southern boundary is also defined by timber post and wire fencing with matured landscaping towards the rear. The site's frontage with the Lisinaw Road is formed by matured vegetation, while the rear (western) boundary is undefined given that the site is cut from a larger field.

Abutting the site to the north and south are residential properties (Nos 12 and 16 Lisinaw Road). Residential development exists further north of the site. Access to the site is provided by a field gate along the site's eastern frontage.

The area surrounding the application site is rural in character with agricultural use dominating land use. Single dwellings with associated outbuildings are evident along the Lisinaw Road.

**Site History:**

There is no planning history relevant to the application site.

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- Ards and Down Area Plan 2015.
- Planning Policy Statement 21 – Sustainable Development in the Countryside.
- Planning Policy Statement 3 – Access, Movement and Parking.
- Planning Policy Statement 15 – (Revised) Planning and Flood Risk.
- DCAN15 – Vehicular Access Standards.
- Planning Policy Statement 2 – Natural Heritage.
- Building on Tradition – Design Guide for Rural Northern Ireland.



### **Consultations:**

- The Department for Infrastructure Roads (DFI Roads) – No objections subject to conditions. (23.09.2019)
- The Department for Infrastructure Rivers (DFI Rivers) – No objection to the proposal. (15.05.2020).
- Northern Ireland Environment Agency (NIEA) – No objections to the proposal. (13.11.2020).
- Northern Ireland Water (NI Water) No objection subject to conditions. (09.09.2019)

### **Objections & Representations**

There were two neighbour notifications issued for this application. The proposal was advertised in the local press on 18<sup>th</sup> September 2019. There were a number of objections received that outlined the following concerns:

- Damage caused to local environment in terms on vegetation removal.
- Flooding and excess surface run off.
- Impact of increased sewage disposal, drainage and waste and land disturbance on wildlife.
- Traffic and road safety issues.
- Inappropriate development as AONB will be degraded.
- Urbanising of the area and a change of character for the area.
- In conflict with current planning legislation.
- Not in keeping with size of sites surrounding, dwellings proposed are too large with minimal distancing and amenity space.
- Will not benefit the community and will devalue it.
- It will be ribbon development and is Contrary to CTY16
- Landlocks field to the rear and how will an alternative access be facilitated.
- Adverse impacts on the amenity of neighbouring properties in terms of light, noise, outlook and overlooking. Loss of seclusion and privacy.
- Right of access and land ownership.
- A room above the lounge with no access.
- Application site within 50 metres of Woodland
- No environmental impact assessment.
- Site adjacent to priority species.
- Size of the application site not correct.
- Inaccurate descriptions on photographs in the ecologist's report.
- All communications not issued on public portal.
- P1 form incomplete.
- The biodiversity report should not to be sponsored by the applicant or agent.

Issues relating to devaluing the community and land ownership. The applicant / agent has been challenged on land ownership and has amended the P1 form accordingly. Certificate C has been completed by the applicant and notice served.

The agent has advised that the ceilings will be vaulted above the lounge areas and therefore no access on the first floor is required. The style of dwelling is bungalow in form with 1<sup>st</sup> floor accommodation in the roof space.

The application site is not included in an Area of Outstanding Natural Beauty (AONB). The Biodiversity report has been completed by a suitably qualified Ecological Consultant.

The P1 form uploaded on the 22/05/2020 was amended to provide details of the new agent appointed and amend Section 27 in response to land ownership, the initial P1 form indicated that foul sewage will be disposed of by septic tank. The most recent drawings show the method of disposal to be 2 individual treatment units.

The application site measures 0.49 hectares. The application has been screened for EIA development. The development is not EIA development.

Having checked correspondence in regard to this application, emails were sent to the agent from the Planning Department seeking amendments in line with consultees requests. All necessary information relating to this application is uploaded to the public planning portal for viewing.

The agent provided an amended Ecology Report with descriptions under photographs corrected, this remains on file. The content of the report remains as per the one issued on the planning portal.

The remaining issues outlined by third parties are addressed in the Consideration and Assessment sections below.

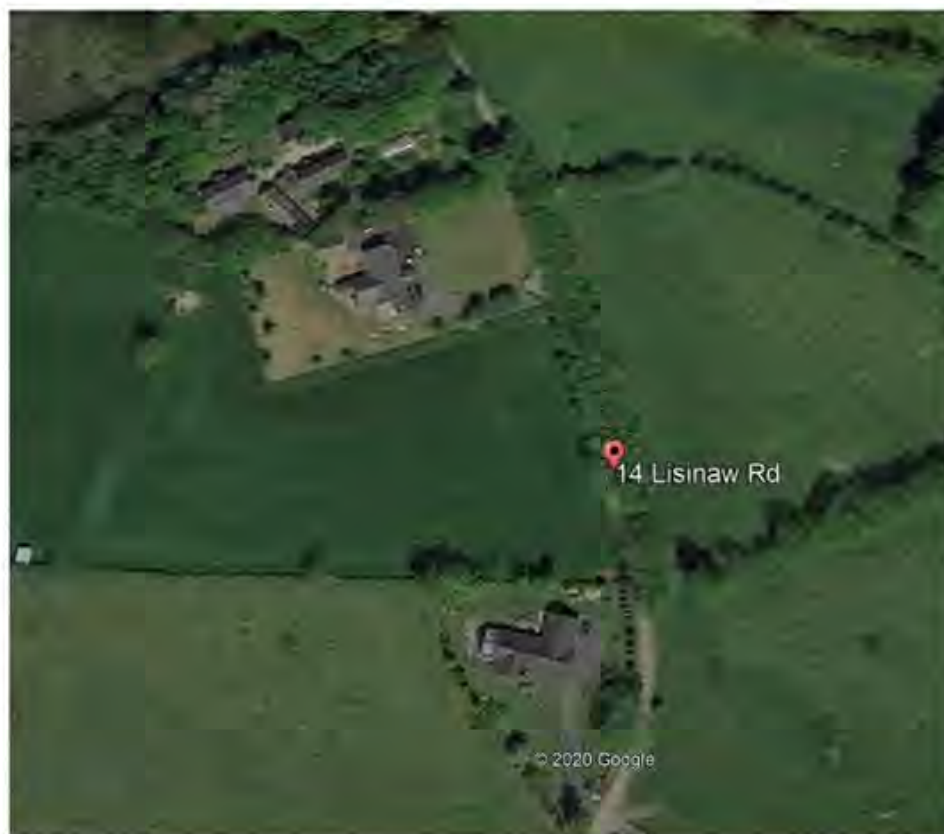
### **Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits. There are no specific policies within Ards and Down Area Plan 2015 relating to the site. The application will therefore be considered under the operational policies of the SPPS and PPS 21.

Policy CTY 8 of PPS 21 states that

*"Planning permission will be refused for a building which create 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 respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".*

The application site is positioned along the Lisinaw Road. It is bounded to the south by the curtilage of No. 12 Lisinaw Road and to the north by the curtilage of No. 16 Lisinaw Road. The dwellings at No. 16 and 12 qualify as two buildings with frontage. In line with PAC decision 2016/A0146, the garage within the curtilage of No. 16 represents a separate building with frontage to the road, meeting the test for a substantially built up frontage of 3 buildings.



The gap is measured between the buildings of No. 12 and No 16 at 97 metres. The average width of plots along this frontage is 50 metres, in this scenario, the gap is capable of accommodating two dwellings while remaining respectful to the existing development pattern and this meets the policy criteria of CTY8.

The proposed site also meets the development pattern criteria:

- **SIZE & SCALE** – The proposed dwellings would be bungalow style dwellings incorporating living accommodation in the roof space. Their overall scale and design would not be out of keeping with dwellings located within the surrounding area. Given the topography of the site, a bungalow style dwelling would be appropriate. Objections were raised in regard to the size of the proposed dwellings. Their footprints measure approx. 200 sqm with garages measuring 54sqm. These are not considered excessive in comparison to existing development in the locality.
- **SITING** – Drawing PL01 REV C shows the gap site divided into two plots with the dwellings positioned centrally within the plots along with detached garages set to the rear. The position of the two proposed dwellings broadly respects the established building line evident along this section of Lisinaw Road. This is considered in keeping with the established settlement pattern.
- **PLOT SIZE** – The plot widths are 39 and 45 metres and are considered in keeping with the established development pattern to the north and south of the site along Lisinaw Road. The depth of the plots is similar to the surrounding established plots.

This proposal is considered to meet the requirement of Policy CTY8 for infill development and as such, is not considered to create ribbon development. The



justification and amplification to Policy CTY8 refers to Ribbon development and its detriment to rural character in that it creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back land. The issue of sterilisation of back land has been raised by objectors in relation to the lands to the rear, this has been raised with the agent who advises that the applicant has in place arrangements to service these lands. The current proposal is considered not to represent ribbon development but infilling of a gap site.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be appropriately designed." These considerations are assessed under policies CTY13, CTY14 and CTY16 of PPS21.

### CTY 13 and CTY 14

Policy CTY13 requires the design of the building to be appropriate for the site and its locality. More specific design guidance is found in 'A Design Guide for Rural Northern Ireland' and the 'Building on Tradition Sustainable Design Guide'.

The dwellings are to be bungalow style with pitched roofs and rooms in the roofspace. A small front and rear return is provided with side projection to each dwelling's gable end with reduced right height. The dwellings will measure 6.3 metres in height from ground floor level. Both building frontages will measure 17 metres in length (not including side projection) and gable depths measure 9.3 metres. Each dwelling is to be provided with a detached double garage measuring 5 metres in height from GFL and finished so as to be in keeping with the design of dwelling. The footprint and overall height of each dwelling are not considered excessive in comparison to existing development in the locality. The overall scale of the dwelling would respect the existing development within the ribbon.

External finishes to be used include natural slate or dark non-profile concrete tiles for the roof covering, dark rainwater goods, painted render for walls and Siberian larch board cladding with UPVC or p.p.c aluminium windows and doors. The proposal creates a good solid to void ratio with the windows in public views having vertical emphasis. The siting of the two dwellings respects the traditional siting patterns in this locality and the predominant house typologies in the ribbon. The design of the proposed dwelling conforms to the guidance set out in CTY 13 and the Building on Tradition design guide. They are broadly similar in massing and scale to other dwellings along this stretch of the Lisinaw Road and therefore considered to be acceptable.

In terms of CTY 14 the proposed development is not unduly prominent in the landscape; will not result in a suburban style build-up of development and respects the pattern of development exhibited in the area.

The dwellings and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area. A section of the existing hedge along the sites frontage with the Lisinaw Road will be removed to facilitate the provision of a safe access. A new native hedge and new tree planting will replace what will be removed along the sites frontage.

In terms of landscaping, new native species hedging is proposed to be planted around all of the site boundaries (rear of sight splays,) supported with timber post and rail ranch style fencing and post and wire agricultural fencing, in addition to sporadic planting of native species trees, as shown on drawing PI-01. The critical views of this site are both long and short distance views when travelling along the Lisinaw Road. The dwellings proposed would visually fill a gap within the ribbon of development along this section of the Lisinaw Road.

#### CTY16

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The proposal includes for the provision of two waste treatment units. The consenting of such is the responsibility of NIEA. A planning condition would be imposed requiring confirmation that the necessary authorisations have been granted by the consenting body prior to commencement of development.

#### PPS2

Upon inspection of the application site, no priority species were identified as occupying the site or within the immediate vicinity of the site as per the Northern Ireland Environment Agency's Natural Environment Map Viewer. In terms of Priority habitats there is Fen and Peatland approx. 64 metres and 136 metres respectively north west of the application site and a thorough walk over of the site did not uncover evidence of badgers or priority species activity around the site.

The Natural Environment Map Viewer does not identify an area of Woodland with protected habitats within 50 metres of the application site. Minimal removal of hedgerow along the sites frontage with the Lisinaw Road is required to facilitate the required visibility splays.

The Northern Ireland Environment Agency (NIEA) was initially consulted in November 2019 in response to objector's comments and responded on the 08/11/19 referring the case officer to standing advice in regard to water management. NIEA requested a further consultation be issued to them in May 2020, following this a biodiversity checklist was requested. On the basis of the information provided in the biodiversity checklist, it was necessary for an Ecologist or other suitably qualified person carry out an evaluation of the proposed development and complete the Ecological Statement.

An assessment of the application site was carried out by Spouncer Ecology and an Ecology Report was completed. NIEA was consulted on this report and responded on the 13/11/2020 to advise that the Natural Environment Division (NED) considered the impacts of the proposal on the designated sites and other natural heritage interests and on the basis of the information provided has no objection.

#### PPS15

It was necessary to consult with The Department for Infrastructure Rivers (DFI Rivers) has been consulted on this proposal as the proposal indicated that a change of use involving new buildings and or hard surfacing exceeding 1000 square metres was proposed.

Following amended drawings, DFI Rivers responded on the 15/05/2020 to advise there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. DFI Rivers also advise that the site may be affected by undesignated watercourses of which they have no record. The site does not lie in a floodplain and DFI have no records of flooding in the area.

A small part of the site is located within a predicted flooded area as indicated on the Surface Water Flood Map, however DFI Rivers advise a Drainage Assessment is not required and it is the applicant's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impact beyond the site.

Further, DFI Rivers note that the private soakaways system proposed have no outlet and drainage is via percolation through the soil strata and that commenting on the efficacy of the proposed soakaway system is outside their area of knowledge and expertise. This will be a matter for NIEA to comment on the workability of the system of disposal and the applicant will require consent for this from NIEA. This is the subject of a separate consenting regime outside Planning. It is considered therefore that FLD 3 can be satisfied.

### PPS3

The proposal involves the construction of a new access onto Lisinaw Road to serve the proposed dwellings. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The issues raised by objectors have been taken into consideration and the statutory authority DFI Roads have been consulted on this proposal and have no objections, subject to attached conditions which includes the provision of visibility splays 2.4 x 60m prior to the commencement of any development approved to provide adequate visibility and have no objections on the grounds of road safety. These access requirements will be secured by the imposition of suitably worded planning conditions.

Adequate parking and vehicle turning can be provided within the curtilages of the proposed dwellings.

### Residential Amenity

The proposed siting of the dwellings is not considered to adversely affect the amenity of any nearby dwellings. The dwellings are to be sited broadly in line with the existing building line therefore overshadowing between the dwellings would not be an undue issue. Having considered the type, position and orientation of ground floor and first floor windows, any overlooking into existing residential properties or into each dwelling proposed would be within acceptable parameters. Additional landscaping is proposed which would reduce overlooking from ground floor windows and this would be secured by a suitably worded planning condition.

Each dwelling would be served by an adequately sized private amenity space to the rear, along with gardens to the side and front. The dwellings would be sited with sufficient spacing between them to ensure their amenity will not be impacted upon.



Approval is recommended for the proposal however in line with the Council's Scheme of Delegation, the application will be determined by the Council's Planning Committee as at least six material planning objections have been received from different addresses.

**Recommendation:**

Approval

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| <p><b>Case Officer: Laura O'Hare</b></p> <p><b>Date: 27/11/2020</b></p>                 |
| <p><b>Appointed Officer: Annette McAlarney</b></p> <p><b>Date: 27 November 2020</b></p> |

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: LA07/2019/1312/01, PL-01C, PL-02 and PL-03

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

3. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with plan drawing No. PL-01C prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. Hedgerows shall be retained on the southern, northern and eastern boundaries as indicated on approved plans, PL-01C. If any retained hedgerow is removed, uprooted or destroyed or dies within 3 years from the date of the

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

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

6. All planting and fencing as indicated on drawing No. PL-01C shall be implemented during the first available planting season following occupation of the dwellings hereby approved.

Reason: To ensure the development integrates into the countryside.

7. 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.

9. Prior to commencement of development a copy of the NIEA Consent to Discharge of Effluent for the proposed site shall be submitted to and confirmed in writing by the Local Planning Authority.

Reason: To protect the environment and to comply with policy CTY 16.

## LA07/2019/1312/F

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In support of our request to speak we advise that the following areas of concern will be covered

- CTY 1 and CTY 8 with regard to this proposal not fulfilling the requirements of these policies.
- Substantial existing flooding within the proposed site with regard to its exasperation and impact on neighbouring properties
- Aspects of CTY13 and 14, 16 with regard to the proposed development's lack of compliance to planning guidelines/rules/policy
- Impact on and relationship to neighbouring woodland and protected fenland including validity and accuracy of Ecologist report.
- Suitability, Size and Scale of the site for two proposed large properties
- Sterilisation of back lands and overlooking of existing properties
- Lack of supporting evidence/reports to enable Planning NI to make a safe decision.



A recent flood on the site







Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0340/F

**Date Received:** 20.02.2020

**Proposal:** Dwelling (Change of house type of that previously approved under R/1981/0030/F).

**Location:** Land 750m NE of 82 Audleystown Road. Strangford



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

The site is located to the North east of No 82 Audleystown Road Strangford, and west of Audleys Wood and the NW of Audleys Castle. Mature trees form the eastern boundary of the laneway and the site. The site is located between an area of tress to the west and the east. The land is open in nature but is interspersed by groups of trees.

#### **Site History:**

LA07/2019/0313/LDE | Lands approx. 750m North east of No 82 Audleystown Road, Strangford | Dwelling in a farm |

R/1981/0030 Audleystown, Strangford Farm Dwelling Permission Granted

R/1974/0516 Audleystown, Strangford. A Farmhouse. Permission Granted



## **Enforcement**

Lands approx. 750m North east of No 82 Audleystown Road, Strangford, Audleystown Road, Strangford, Downpatrick - Alleged Unauthorised Development Works - Enforcement Case Closed 20.10.2014

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

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.

The following policies have been used in this assessment:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 - Access, Movement and Parking

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

Planning Policy Statement 21 - Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

## **Consultations:**

NI Water – No objections

DFI Roads – No objections

NIEA Water Management – No objections

NIEA Natural Environment Division – No objections

Rivers Agency – No objections (Planning deem that the application does not meet the threshold for a drainage assessment).

Historic Environment Division – Object (see below)

## **Objections & Representations**

In line with statutory requirements no neighbours were required to be notified. The application was advertised in the Mourne Observer and the Down Recorder on 18.03.2020. One objection letter has been received by the National Trust. The main issues are:

- Policy COU 7 of the Ards and Down Area Plan 2015 designates Castle Ward as a Historic Park, Gardens and Demesne. The Area Plan notes that "these designed landscapes continue to contribute to the distinctive appearance and character of the local landscape particularly along the fringes of Strangford Lough or in the vicinity of settlements."
- Part of the access to the proposal falls within the "pink" area of the Historic Park, Gardens and Demesne. The rest of the proposal although falling outside the pink area, falls within the historic planned setting of Castle Ward.
- The Mountain Wood (c.1844) and Windmill Plantation (c.1850) were added and the park extended over the Audleystown Peninsula, clearing a village in the process (c.1855).



- The 1834 Ordnance Survey map shows a building roughly in the location of the proposed dwelling. This building was removed as the demesne landscape was further developed by Nugent in the mid-19th century as part of a deliberate design plan to have no structures in this part of the landscape.
- National Trust consider that the proposal is therefore contrary to the design concept for Castle Ward and would harm the setting of Castle Ward as well as planned views in and out of the property.
- National Trust understand that a Certificate of Lawfulness exists on the site and therefore the principle of development has been established.
- National Trust would ask the Planning Department to consider how the damaging visual impact of this proposal could be mitigated and suggest that given its sensitive location, the scale of the proposal should be no bigger than that approved in 1981 i.e. single storey with a limited floor space.
- Given the prominent location of the site, consideration should be given to siting the dwelling in such a way as to minimise visual impact. Although this part of the setting of Castle Ward has been kept deliberately clear of planting, if a dwelling is to go ahead on the site new planting would help soften the impact of the proposal. Careful consideration should also be given to the visual impact of the access to the site including use of materials and the proposed route.
- Consideration of whether a Habitats Risk Assessment will be required and appropriate mitigation for any potential environmental impacts.

#### **Consideration and Assessment:**

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside.

The main issues to consider in the determination of this planning application are:

Principle of Development

Design and scale

Access and Parking

Impact on Residential Amenity

## Principle of Development

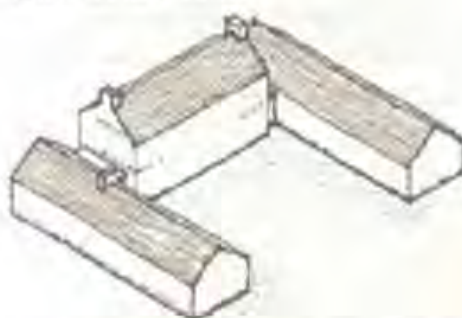
The site is located within the rural area and within the Strangford and Lecale Area of Outstanding Natural Beauty. Planning approval was granted for a dwelling on a farm under application R/81/0030. A certificate of lawful development was issued under LA07/2019/0313/LDE which demonstrated that the works that had been done, foundations in place, visibility splays and the laneway tracked out were lawful and development had commenced on the site. Thus the principle of development on the site has been established. What needs to be considered under this application, is the impact of the design and form of the new proposal on the landscape, given the fall back position of the extant planning permission for the house type approved under R/81/0030.

## Design and Scale

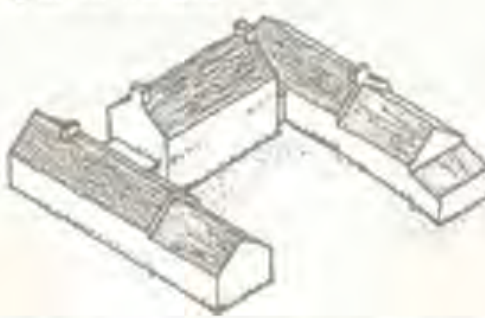
The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.

Design: The proposed new dwelling takes the form of three buildings situated from a larger central building. The agent indicates this idea is taken from Building On Tradition – A sustainable Design Guide for the NI Countryside.

4,000 SQ. FOOT HOUSE

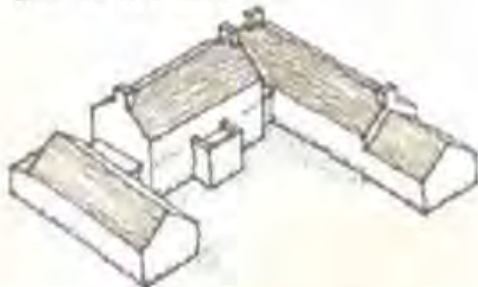


4,000 SQ. FOOT HOUSE



LARGE FLOOR AREAS ACCOMMODATED UNDER ONE ROOF RESULT IN HOUSES WHOSE SCALE IS EXCESSIVE & BEST WAY AROUND THIS IS BY BREAKING THE FLOOR AREA INTO SMALLER 'ONE STOREY' BUILDINGS WHOSE SIZE, SHAPE AND SCALE REFLECTS TRADITIONAL HOUSES.

3,000 SQ. FOOT HOUSE



2,000 SQ. FOOT HOUSE



SMALLER NARROW GABLED, LINEAR BUILDINGS (ONE + TWO STOREY) CAN BE LINKED BY FLAT ROOFS TO CONNECT DIFFERENT PARTS OF THE HOUSE. FLAT ROOFS ARE MOST SUCCESSFUL AESTHETICALLY WHEN THEY ARE FINISHED IN HIGH QUALITY, DURABLE MATERIALS SUCH AS LEAD.

The central building has a barrel roof form shape which has a ridge height of 5.5m and accommodates living accommodation on the ground floor and bedrooms on the upper floor. The roof and part of the walls are comprised of green metal corrugated with stone cladding on the lower portion. The two buildings on either side of this appear as separate buildings, given the change in materials and the change in form. These buildings are single storey, linear in form and are simple in terms of detailing, window fenestration and roof pitch. The building to the west has a ridge height of 4.5m in height, with a gable depth of 5.5m and is linked to the central barrel vaulted building by a hall. The finishes include white render walls, red corrugated metal roofing, grey timber sliding sash windows, with grey aluminium RWGs. The element to the east which comprises living accommodation, utility/bootroom, storage and attached garage has a slate roof finish, with stone clad walls and garage doors.

Historic Environment Division were initially consulted on the application who were opposed to the application at the outset on the basis that the application was seeking to establish the principle of a dwelling on a greenfield site. HED considered that the development was contrary to PPS 6 as a dwelling would be contrary to the original design concept for Castleward 'Historic Park, Garden and Demesne' and expressed concerns in relation to the setting of Audleys castle and associated monuments. HED were reconsulted on the basis that a lawful development certificate had been issued on the site, thus the principle of development had already been established. They were then asked to respond on this basis. Following an acknowledgement that the principle of development had been established on the site HED still had concerns regarding:-

- Scale – consideration should be given to reducing the mass and height of the proposed dwelling. This is a visually sensitive location within the parkland at Castleward, an area which historically was absent of buildings to allow for open naturalistic views within, to and from the demesne. The proposed dwelling is likely to be visually prominent in the landscape due to the scale of the current proposal.
- Finish – the proposed dwelling should be of traditional vernacular design and finish to aid integration into the surrounding designed landscape. In addition, consideration should be given to reducing the extent of glazed frontage of the dwelling which is likely to detract from views of the demesne from the north.
- Screening – to soften the visual impact of the scheme HED (Historic Monuments) advise that a revised landscaping plan be submitted to include additional screening to minimise visual effects. The additional screening should consist of a mixture of holm oak, ash and a holly understory to blend with existing demesne planting.

Following a request from the agent to address these issues, the agent undertook a visual analysis of the proposal and submitted an updated a landscaping plan. Following further consultation with HED they acknowledge the updated landscaping plan and visual impact assessment and note the attempts to integrate the scheme into the surrounding historic environment which may go some way towards softening the impact of the scheme upon the character of the designed landscape. HED deem that while these mitigating measures are welcome, HED (Historic Monuments) would maintain the position contained in their previous consultation response of 12/08/2020 which outlined why development at this location, in principle, is contrary to Policy BH 6 of PPS 6.

The agent has indicated the likely views of the proposed dwelling and has presented a visual analysis of this. It should be noted that no screening has been shown on the context images



to avoid causing distraction from the visual impact, but the agent deems that in time this landscaping will soften the immediate context.



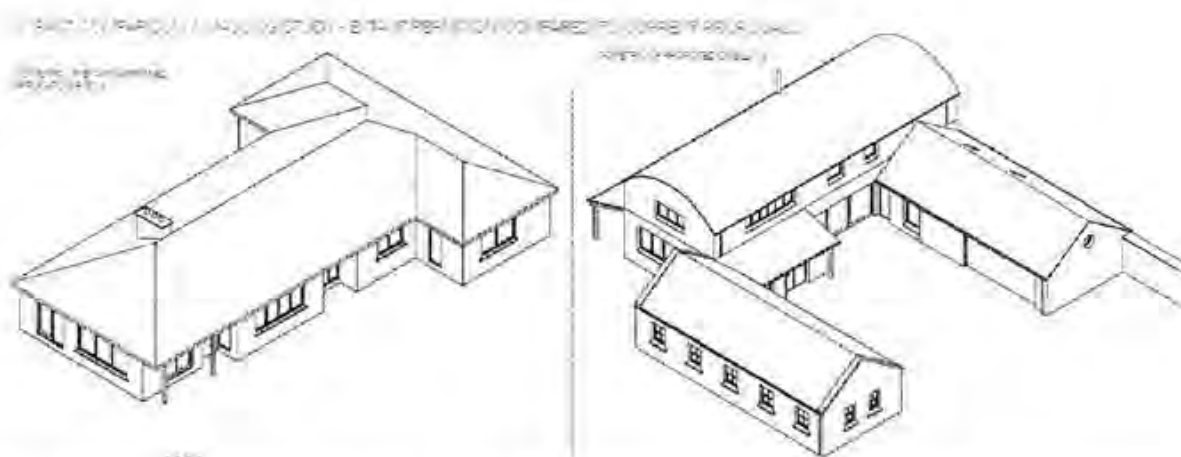
**Context Image 02** - Detail of context image 01 with the proposal inserted into the site with materials and correct location as viewed from the outer shore of Ballyhenry Island, Portaferry.



**Context image 03 [Context & Detail]** - View from Audleystown Road at the site entrance looking north. It should also be noted this image is based on google street view and is dated may 2016, in the subsequent 4 years the planting is established, and now significantly higher aprox. 3m tall.

The two main views therefore will be from the outer shore of Ballyhenry Island, Portaferry and from Audleystown Road. There will also be views from within Audleystown Wood which is a public view point.

The proposed dwelling is located in a shallow area which is located between a copse of trees to the west and an extensive area of mature woodland to the east. As mentioned previously the principle of a dwelling has been established on the site. The application therefore requires an analysis as to whether the impact of this new dwelling would have a visual impact that would be significantly greater in the landscape than the extant approval which could be built now.



The above analysis by the agent shows the footprint of the extant permission in comparison to the proposal. Given the long distance views from Strangford Lough, the main dutch barn element of the dwelling will be in view, with the single storey element to the side being viewed as ancillary element from this viewpoint. The eastern rear return would not be in view from this viewpoint. The building has a ridge height of 5.5m which is larger than the extant permission. The building from this view point will be read with the backdrop of mature trees, due to the low ridge height the dwelling would not be read as skyline. The use of different heights of buildings which are located to the side and rear combined with the use of differing materials helps to reduce the overall impact of the building. This is compared with the extant permission which is viewed as an overall block. The extant dwelling is more traditional in form which has some returns to the front and rear, with an overall hipped roof. Given the form of the building this view of the extant permission is similar from both critical views including the critical view from along Audleystown Road. From this viewpoint, there will be more prevalent views of the rear of the buildings particularly the side return with red corrugated roof. The dwelling is set back from the Audleystown Road by approx. 450m. Castleward is located approx. 1.6m directly south of the site.

While the ridge height of the dutch barn element is slightly higher than the previously approved bungalow, however, given this context of the long distance distant views and being surrounded by very large mature trees it is considered that the proposed new dwelling will not have an impact on the landscape that is significantly greater than the extant permission and this is the test under this application.

The material choices of corrugated iron roof, slates, stone, and rendered walls are all suitable traditional materials which are suitable in this sensitive rural area. In relation to the glazed

areas which face onto the lough, the agent has indicated that this elevation is all set back into a 2.5 metre deep veranda to ensure that the glazing elements are softened significantly to aid landscape integration. Further to this it is a north facing elevation; therefore there will be minimal reflection on the glass. The agent states that the context views from Ballyhenry Island show that while the proposed dwelling is in view of Castle Ward it is set much further to the right and are not directly related, with Castle Ward 2.8km away.

A full landscaping plan with planting schedule has been included with this document for consideration. This landscaping plan focuses on tree planting and where possible adding to existing mature trees and avoiding clumps of new planting which would throw the balance of mature landscaping around the site. The landscaping scheme has been welcomed by HED and they have indicated that it does go some way towards softening the impact of the scheme upon the character of the designed landscape, however, as indicated below, they are not content with these mitigating measures.

There are no issues in relation to residential amenity.

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

DFI Roads were also reconsulted following clarification of the extant approval on the site and as a result have offered no objections to this proposal. It is also considered that sufficient provision has been made parking and turning within the site.

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

As previously indicated HED were consulted as part of the application. HED deem the proposed dwelling is located in a visually sensitive part of the designed historic landscape within Castle Ward demesne. The historic planned landscape has its origins in the 16th century and is included in the Departments Register of Historic Parks, Gardens and Demesnes of Special Historic Interest in Northern Ireland. Policy BH 6 of PPS 6 and paragraphs 6.16 & 6.17 of the SPPS refer in this case.

The demesne underwent expansion in the 1840's and 1850's under Major Andrew Savage Nugent (1809-1889) of Portaferry House. The most significant change was the extension of the park over the Audleystown peninsula and included new plantations such as Audleystown Wood and Green Row. A circular walk was made around and through Audleystown wood and a small bathing house erected at Portanearlragh, between the walk and the shore. West of the bathhouse a large 50 acre open meadow or lawn was created with a number of circular clumps judiciously positioned to add to the aesthetic effect of the landscaping. It is within this large open meadow that the proposed development is located.

In the context of current policy requirements in PPS 6, HED (Historic Monuments) advise the proposed development is contrary to Policy BH 6 of PPS 6 and paragraphs 6.16 & 6.17 of the SPPS:

- The proposal is contrary to the sites original design concept. There is no historic precedent for a building at this location. A dwelling at this location would be incongruous with the historic character of the demesne and would adversely impact upon the integrity of the character and setting of the designed landscape.



- The proposal would result in an adverse impact upon planned historic views from and to the demesne. The proposed development sits on a ridge within open parkland overlooking Strangford Lough. This area of the demesne overlooking the lough has historically deliberately not been screened to allow planned open views towards the demesne from the north and from within the demesne towards the lough.

While it is understood that HED are not content with the proposal and acknowledge that the previous application was approved in a different planning context, Planning must assess whether the dwelling as currently proposed is likely to have an adverse impact upon the setting of Castleward demesne. As a result, given the history on the site, Planning are of the opinion that the proposal will not have a significantly greater impact on the landscape than the extant permission and that this design is more in keeping with the principles as outlined on 'Building on Tradition' guidance, it is deemed that the proposal would not have an adverse impact upon the setting and overall character of the designed landscape.

Other issues

#### PPS 2 – Natural Heritage

Policies NH 1 – European and Ramsar Sites – International and Policy NH 3 - Sites of Nature Conservation Importance – National and Policy NH 6 Areas of Outstanding Natural Beauty are relevant to the proposal.

The application site is located approximately 95m south/southeast of Strangford Lough SAC/SPA/ASSI.

A Biodiversity Checklist was submitted with the application. NIEA – NED has considered its contents and has concluded that there is no evidence of protected species being discovered on site. NED advise that any tree/vegetation/scrub clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

In addition, NED have carried out a desktop assessment and concluded that no hydrological connection was evident and an adequate buffer from the proposed development to the designated site exists. All works and storage should be contained within the development boundary. 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.

#### NH 6 Areas of Outstanding Natural Beauty

Planning permission will only be granted for new development within an AONB where it is of appropriate design, size and scale for the locality and where a number of criteria are met.

a) The siting scale of the proposal is sympathetic to the special character of the AONB in general –

In terms of scale and the sympathetic materials including natural stone, the proposed building is appropriate to its rural location.

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 building is sited close to existing boundaries and existing vegetation.

c) the proposal respects:

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

The proposal is considered respectful of the local architectural styles, in terms of materials, design and colour.

### **Conclusion**

The principle for a dwelling on this site is well established by the granting of planning permission and the issuing of a certificate of lawful development. The proposal is not located within the Castle Ward Demesne but on privately owned lands. Taking into account the views of the consultees including Historic Environment Division who have offered reasons for refusal for the application, and taking into account all material considerations including the objection from National Trust, it is Planning's view that given the fall back position for the construction of a 1980's hipped roof bungalow, the new dwelling, while having a larger footprint offers a better design solution for the site. Weight is therefore attached to the fall back position. The building is split up in various elements, which reduces the overall scale and massing of the building. The long distance views of the dwelling and how they compared with the extant permission has been documented in the report and has been concluded that there would not be an impact which is significantly greater than the extant permission. Thus given the backdrop of mature woodland, screening and modest ridge height, the dwelling would not be considered prominent in the landscape. A landscaping plan has been submitted to further ensure that there will be no adverse impact on the site and its context. This would not be a requirement if the bungalow which has permission was built on the site.

Taking all this into account it is deemed that planning permission should be granted and it is recommended that the application be approved subject to conditions.

As Planning are going against the advice of a consultee, namely Historic Environment Division (Historic Monument) this application will have to be presented to the Planning Committee.

### **Recommendation:**

Approval

The drawings to which this approval relate include:

Site location plan 01

Site layout plan 02

Floorplans & Elevations 03

Landscaping plan 05

### **Conditions:**

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

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: **01, 02, 03, 05.**

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

3. Prior to occupation of the dwelling, planting shall be carried out in accordance with drawing No 05.

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

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

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

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

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

#### Informatives

1. Should planning permission be granted for this application the following informative should be attached to the decision notice:
  - ☐ The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
    - ☐ kill, injure or take any wild bird; or
    - ☐ take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
    - ☐ at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
    - ☐ obstruct or prevent any wild bird from using its nest; or
    - ☐ take or destroy an egg of any wild bird; or
    - ☐ disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
    - ☐ disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1<sup>st</sup> March and 31<sup>st</sup> August.



2. The applicant's attention is drawn to the fact that the is close to the boundary of Strangford Lough Part 2 SAC/SPA and precautions should be taken to ensure its integrity should not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but are outwith the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and require consent from the Northern Ireland Environment Agency (NIEA) Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

|                          |                    |             |                      |
|--------------------------|--------------------|-------------|----------------------|
| <b>Case Officer</b>      | <b>C Moane</b>     | <b>Date</b> | <b>10/03/2021</b>    |
| <b>Appointed Officer</b> | <b>A.McAlarney</b> | <b>Date</b> | <b>10 March 2021</b> |

## SUBMISSION TO NMDDC PLANNING COMMITTEE – APRIL 2021

### LA07/2020/0340/F - PROPOSED DWELLING – CHANGE OF HOUSE TYPE AT AUDLEYSTOWN ROAD, STRANGFORD

1. This submission is on behalf of the applicants.
2. We welcome the recommendation to grant permission. In particular we would commend the Officer Report as a careful and detailed analysis of the planning considerations.
3. Whilst we acknowledge that there have been concerns from HED, due to the proximity to the Castleward Demesne, the starting point for determination must be the fact that a previous permission was implemented (as confirmed by LA07/2019/0313/LDE) and so this permission represents a realistic 'fall back' development which **the applicants can complete should they choose to do so.**
4. The principle of 'fall back' is well established in planning terms. Accordingly, the consultation responses from HED must be considered in the light of the planning history.
5. The application site is not within the Castleward Historic Park, Garden and Demesne, but on an area of privately owned farmland adjacent to it. The site is also approximately 1,500 metres away from Castleward House, and it is almost completely screened from it.



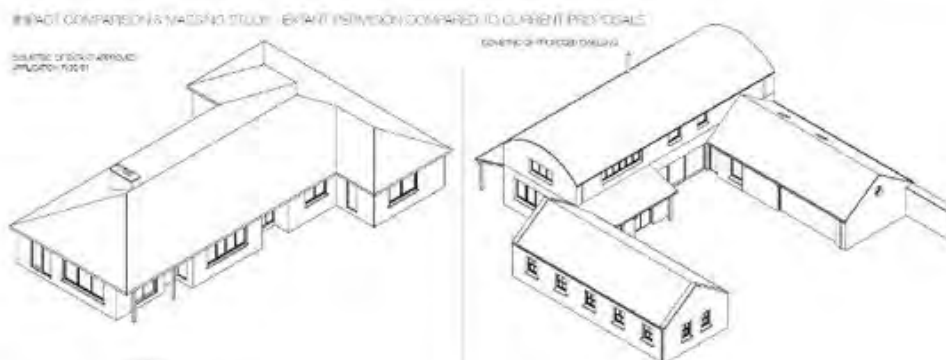
Historic Park, Garden and Demesne Boundary - the site is marked with 'X'.

6. The new dwelling is sited in the same location as the extant planning permission. The foundation works and access lane are already in position, and over the years the Applicant's family has planted numerous trees in the vicinity of the dwelling site.
7. The relevant material consideration in this case is not whether a dwelling will be acceptable in principle, but whether the **design and form** of the proposal will have any adverse impact when compared to the extant permission for the hipped roof bungalow.
8. The analysis and images prepared by the Project Architect (extract below) demonstrate convincingly that the new proposal will not have any significantly greater visual impact than the extant permission. In fact, the current proposals are a much more sympathetic representation of a traditional rural form

# DONALDSON PLANNING

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than the suburban design which was adopted in the 1981 application. The proposal clearly represents betterment within this sensitive landscape.



## Design Considerations

9. As stated, the design concept in this instance has been to adopt an approach which closely respects the traditional form, scale and pattern of traditional rural development. In particular, the guidance in 'Building on Tradition' has been incorporated into the design, in order to deliver a dwelling which will fully respect its landscape setting. The below images, taken from 'Building on Tradition', have influenced and informed the design process:



10. The Council Officers have clearly been able to understand and appreciate the skill and care which has been integral to the design process in this instance, and have agreed that the granting of planning consent for this project will represent a much better design solution to this site than implementation of the approved suburban bungalow.

11. We would request that the Committee supports the Officer Recommendation of approval.

**David Donaldson Planning Consultant**

**Micah Jones Architect**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0782/F

**Date Received:** 16<sup>th</sup> June 2020

**Proposal:** Demolition of existing school facilities and construction of a new school building and ancillary accommodation with associated hard and soft play areas, parking, landscaping and site works

**Location:** Shimna Integrated College, 5A Lawnfield, King Street  
Newcastle

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

The site comprises lands currently occupied by school buildings; with a car park, playing fields, bus stop / vehicle drop-off / pick-up point and access road included within the existing grounds. The site slopes steeply downwards to the east / north-east, with the existing school building elevated some 3m above the playing fields to the front / east. There is a small watercourse in the south-eastern corner of the site (School Stream extension,) which flows in a north-easterly direction connecting to Glen River.

The site is located approximately 1 mile south of Newcastle town centre within an area of mixed residential and forestry land use within the settlement limits of Newcastle and Mourne and Slieve Croob Area of Outstanding Natural Beauty AONB.) It is bound to the northeast by a residential care home and church buildings, to the east by residential properties, to the south by an existing forest (Donard Wood) and to the west by both Donard Wood and a number of detached residential properties off King Street. There are several listed buildings in the wider vicinity of the site to the north-east and east, including; St John's Church of Ireland at No.161 Central Promenade, a dwelling at No. 163 Central Promenade and Annesley Estate office and hall at No. 3 South Promenade

#### **2.0. Site History:**

There are 21 planning records for this site – those relevant to this application include:

- LA07/2019/0171/PAN - Proposed demolition of existing school and construction of a replacement school including play areas, parking,

landscaping, associated site works and access arrangements from Lawnfield Grove – Proposal of Application Notice is acceptable 20.02.2019

- LA07/2017/0889/PAD - Proposed demolition of existing school and construction of replacement school and ancillary accommodation including play areas, landscaping and associated site works and access arrangement from Lawnfield Grove – PAD concluded

### 3.0 Planning Policies & Material Considerations:

- o The Regional Development Strategy (2035) (RDS)
- o The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- o Ards and Down Area Plan 2015 (ADAP)
- o A Planning Strategy for Rural NI (PSRNI) – Policy DES2
- o PPS2 – Natural Heritage
- o PPS3 – Access, Movement & Parking
- o PPS6 – Planning, Archaeology and the Built Heritage
- o PPS6 Addendum – Areas of Townscape Character
- o PPS8 – Outdoor Sports and Recreation
- o PPS13 – Transportation and Land Use
- o PPS15 (Revised) – Planning and Flood Risk
- o DCAN 10 (Revised) – Environmental Impact Assessment
- o DCAN11 – Access for all
- o DCAN15 – Vehicular Access Standards
- o DOE Parking Standards
- o Living Places - An Urban Stewardship and Design Guide for NI

### 4.0 Objections & Representations:

As required by The Planning (General Development Procedure) Order (Northern Ireland) 2015, the application was advertised in local press on 7<sup>th</sup> and 8<sup>th</sup> July 2020 and 41 neighbouring properties were notified of the application on 24<sup>th</sup> July 2020. Both the statutory advertising and neighbour notification periods expired on 22<sup>nd</sup> July 2020 and 7<sup>th</sup> August 2020 respectively, and no objections or representations have been received at the time of writing this report (March 2021.)

### 5.0 Consultations:

NI Water Strategic Applications (response dated 04/08/2020):

NI Water Pre-Development Enquiry currently valid (until 8<sup>th</sup> June 2021) – discussed further below.

DfI Rivers Agency (response dated 13/08/2020)

Flood Risk / Drainage Assessment considered - no objections, subject to conditions being met.

DAERA (final response dated 15/03/2021)

- Water Management Unit - conditions are necessary to ensure the proposal does not adversely affect the surface water environment.

- Regulation Unit Land and Groundwater Team - Following receipt and review of additional information, no objections provided the recommended conditions and informatives are placed on any decision notice.
- Natural Environment Division – Having reviewed the additional information submitted (including Outdoor Lighting Report and Lighting Layout Plan,) NED has no concerns subject to conditions being adhered to in respect of tree retention and proposed lighting.

DfI Roads (final response dated 10/03/2021):

No objections provided the information on P1 application form is accurate and this proposal would will not lead to any intensification. In addition, all internal road improvements are to be in place prior to opening.

DfC Historic Environment Division (HED) final response dated (29/10/2020):

- The proposal satisfies the policy requirements of SPPS and PPS6 Policy BH11, subject to conditions being met.
- Historic Monuments consider the site has limited potential to contain archaeological remains and is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

NMDDC Environmental Health Dept (EHD) (final response dated 29/01/2021):

No objections, subject to all other conclusions and recommendations in the acoustic design review Ref 0440/41-2 dated Feb 2019 being implemented.

Shared Environmental Services (response dated 15/10/2020)

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the attached mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

## **6.0 Consideration and Assessment:**

### **6.1 Summary of Proposal**

The proposal involves the construction of a new three storey post-primary school at the existing site of Shimna Integrated College – resulting in an increased 2085m<sup>2</sup> floorspace. The purpose of the new school is to provide a building that meets required accommodation standards, with no proposed increase to pupil numbers (currently 632 pupils.)

The project phasing has been designed to enable the existing school to remain operational throughout the course of construction, with the proposed works split into 4 phases:

- Phase 1 – Construction of new school building excluding sports accommodation;
- Phase 2 – Demolition of existing school except sports hall;
- Phase 3 – Construction of new sports accommodation;
- Phase 4 – Demolition of existing sports hall (completion.)



In brief, the proposed new school building is linear in form (three storeys) with 2 projecting (single storey) limbs to the front / east and when constructed, will also include an adjoining sports hall extending to the rear / west overlapping the footprint of the existing building.

The school is to be sited east of the existing school on land which is currently used for playing fields and which is positioned some 3m lower than the existing school building. The scheme also includes hard and soft landscaping proposals, with no changes to the existing access at Lawnfield Grove. Whilst the existing bus drop off is being retained, an amended internal layout road is proposed, with the addition of new parking bays. Outdoor playing areas have also been relocated to the west / rear of the new school building.

## 6.2 Planning Policy Framework

The RDS provides an overarching strategic planning framework which sets out clear sustainable development objectives for the region. Paras. 4.13 – 4.14 of the SPPS highlights the wider Government aims of addressing all barriers that prevent or interfere with the creation and maintenance of 'shared space,' and ensuring that all individuals can live, learn, work and play wherever they choose. The planning system has an important role in this regard through its influence on the type, location, siting and design of such development.

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

The proposal relates to an established educational facility and in principle, fits with these core principles of the SPPS and wider strategic objectives of the RDS. The proposal detailing will fall to be determined by the provisions of the Local Development Plan and Prevailing Planning Policies listed above.

## 6.3 Local Development Plan – Ards and Down Area Plan 2015.

The application site is located within the settlement limits of Newcastle (NE01,) Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB2) as identified by the ADAP 2015 (map 3/004a) and has no particular land use zoning. As there are no particular provisions within the Local Development Plan applicable to this site, the proposal will fall to be considered under the retained planning policies identified above.

The application site also borders a number of designations including; Local Landscape Policy Area (NE 17/LLPA 6) to the west, a Site of Local Natural Conservation Importance (SLNCI - COU5/73) to the south, land zoned for housing to the east (NE06/4) and Newcastle Harbour Area of Townscape Character (ATC – NE18) to the north-east. The impact on these designations is considered further below.

## 6.4 Design and Impact on Listed Buildings, Area of Townscape Character and Area of Outstanding Natural Beauty – PPS2, PPS6, PPS6 Addendum, PSRNI DES2

Policy NH6 of PPS2 considers the impact on the AONB – The design is arguably of very high quality and the palette of external materials have been selected with both the functional and aesthetic requirements in mind. The proposed finishes are considered appropriate in the context of this site and existing development and would in my view provide visual betterment in design terms and would not harm the special character of the AONB.

There are a number of listed buildings in the vicinity of the site to the north-east and east, including; St John's Church of Ireland at No.161 Central Promenade, the dwelling at No. 163 Central Promenade and Annesley Estate office and hall at No. 3 South Promenade. HED having reviewed the contextual photomontages, note that the proposed scheme will be screened from No. 163 Central Promenade and Annesley Estate office and hall at No. 3 South Promenade by existing buildings and are content that the scheme would not result in a demonstrable negative impact on any of these listed buildings or their settings. However, 2 no. conditions will be necessary to ensure retention of the trees and the mature landscape backdrop, which are an essential part of the setting of the Church of Ireland building at 161 Central Promenade.

The application site adjoins part of Newcastle Harbour ATC to the north-east. The proposed development which will be predominantly positioned on lower ground would not have a detrimental impact on the special character of this area in the context of the existing and surrounding development.

**In summary, subject to attached conditions being met, the proposal is considered satisfactory to the policy requirements of PPS2 NH6, PPS6 BH11, PSRNI DES2 and presents no conflict with PPS6 Addendum.**

#### 6.5 Access, Road Safety and Parking Considerations - PPS3, PPS13, DCAN10 and DCAN15

The proposal does not include any amendments to the existing school access, however internal layout road changes are included. The associated Travel Plan notes no change to existing pupil numbers as a result of the proposal (currently 632.) However, the Transport Assessment Form is based on 620 pupils (in addition to 46 teaching staff and 56 ancillary staff, with 115 of those pupils over the age of 17.) For the purposes of this assessment, the higher pupil figure of 632 is used. DOE Parking Standards indicate that 84 non-operational spaces are required on the basis of the figures given (i.e. 632 pupils (115 of which are aged 17+) 102 staff, with the requirement calculated as follows:

|   |   |
|---|---|
| 1 space per teaching staff (46) –                 | 46 spaces   |
| 1 space per 2 ancillary staff (56) –              | 28 spaces   |
| 1 space per 10 pupils aged 17+ (115) –            | 11.5 spaces   |
| 1/3 of total staff provision for visitors (102) – | 34 spaces   |
| <b>TOTAL =</b>                                    | <b>85.5 (86) plus 34 of the staff spaces for visitors</b> |

In terms of bicycle parking, 1 stand per 10 pupils is required i.e. **62 bicycle stands.**

**116 Car parking spaces are proposed** over three areas as follows:

- 32 spaces along a linear bank along the southern boundary;
- 60 spaces to the front of the school (including 10 disabled bays) and;
- 24 spaces to the north of the building to be used predominantly by ancillary staff.

**In addition, 70 cycle parking stands are included** within the layout close to the sports hall. An excess of 30 car parking spaces is proposed, together with an excess of 8 bicycle stands. It is envisaged that 16 of the surplus parking provision (in the north-west of the internal layout road) will be used by those collecting children at the nearby Integrated Primary School. In terms of operational parking, the existing car and bus facilities will remain.

On the basis of DfI Roads comments, given there is no intensification of use resulting from the proposed development, these existing facilities (including allocated bus drop off / pick up area) together with the alterations to the internal layout road and parking provisions are considered acceptable. However, a condition will be necessary to ensure all works relating to the internal layout road are completed prior to the school being operational.

**In summary, on the basis of the figures provided and proposed parking layout, the proposal is considered acceptable to PPS3 and DOE Parking Standards, in addition to DCAN10 and DCAN15, subject to condition / informatives being met.**

#### 6.6 Impact on Natural Heritage - PPS2

The proposal falls within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council has determined through an EIA screening that there would be no likely significant environmental effects and an Environmental Impact Assessment is not required.

A Habitats Regulation Assessment screening indicates that the proposal may be hydrologically linked to Murlough SAC and less so Eastern Mourne SAC (uphill) via the existing watercourse on site / Glen River. Given this, the proposal has subsequently been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided mitigation measures in respect of constriction and storm drainage are conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site - this is in accordance with Policy NH1

Policy NH3 considers nationally designated sites – as referenced, the site is in close proximity to both Eastern Mourne ASSI and Murlough ASSI. DAERA offer no objection or concerns for the proposal on the impact of these surrounding designated sites.



Policies CON 3 Vol 1 Part 2 of the ADAP 2015 and PPS2 NH4 deal with Local Landscape Policy Areas (LLPA) and Local Sites of Nature Conservation Importance (SLNCI's.) This site as noted is adjacent to a LLPA (Donard Park, Donard Lodge and associated planting and Glen River Corridor - map3/004b) in addition to Annesley Demesne SLNCI (ref 1/040 map 3/001b.) Provided all of the attached planning conditions are met (particularly in respect of mitigation measures for the river corridor,) the proposal is not considered liable to have a significantly adverse impact on the nature conservation interests of the adjacent LLPA or SLNCI.

Policies NH2 (species protected by law) and NH5 (Habitats, Species or Features of Natural Heritage Importance) are also considered. NED having reviewed the Preliminary Ecological Appraisal (PEA) for the site are content with the proposal, conditional on the retention of existing trees and implementation of the lighting plan as approved. A proposed lighting plan and report have subsequently been provided and NED are content with these elements, subject to conditions as outlined further below.

**In summary, subject to DAERA Natural Environment Division's satisfaction of the proposed lighting scheme, the proposal would be deemed acceptable to PPS2 requirements in addition to Policy CON 3 Vol 1 Part 2 of the ADAP 2015.**

#### 6.7 Impact on Existing Ground / Water Environment and Potential Flood Risk – PPS 15 (Revised)

##### Sewerage and Water

The proposal seeks to connect to mains water supply and dispose foul sewage via the mains sewage network. As referenced, there is a valid PDE in place (until 8<sup>th</sup> June 2021) from NI Water confirming that there are existing foul and storm sewers available and that the receiving Wastewater Sewage Treatment facility (Newcastle WwTW) has capacity to serve the proposed development (subject to any necessary consents being acquired.)

DAERA Water Management Unit note that the proposal has the potential to adversely affect the surface water environment arising from sewage disposal and construction measures. Given NI Water's comments in the valid PDE, the matter of sewage disposal can be dealt with through conditions / informatives as appropriate. In addition, the Flood Risk / Drainage Assessment confirms that no culverts are proposed as part of the development.

In terms of construction, a condition will be necessary to request a full construction method statement at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Provided the necessary conditions are met and on the basis of the information provided, the proposal can be successfully implemented without adversely impacting on the groundwater and surface water environment.

##### Flood Risk and Drainage – PPS15 (Revised)

DfI Rivers Agency advise that whilst the site lies just outside of the strategic fluvial floodplain (associated with the Glen River which flows close to the western boundary) there was a severe historical flooding incident at this site due to the grill blocking at the open and culverted section of the School Stream Extension (U3114 Ext) which flows within the southern area of the site boundary. In addition, DfI Rivers Agency maps indicate that site has a high-level surface water flooding, both existing and predicted (climate change.)

Policy FLD1 – As the site is not located within fluvial flood plain, Rivers Agency cannot sustain an objection under FLD1. However, they recommended that the developer uses Flood Proofing Resistance & Resilience Construction where appropriate. Due to the steep gradient of the mountain to the immediate west of the site, a mitigation swale is to be included to address risk from overland flow. Particular attention is also required to the maintenance of the existing grill which is situated at a higher level and any overflow path may pose a greater risk to the proposed development which is now to be constructed closer to the area of risk – conditions / informatives will be attached as necessary in this regard.

Policy FLD2 - The designated watercourse known as the School Stream Extension (U3114 Ext) flows within the southern area of the site boundary. The Proposed Site Plan as indicated on Drawing Number SK07 Revision 13, stamped by Planning Authority on 16/6/2020 is deemed to comply with this sub-policy FLD 2 –there have been no changes to this element of the scheme under revision 15 of Drawing SK07..

Policy FLD3 – The PDE by NI Water (dated 08/06/2020) notes that there is a 200mm public surface water sewer at Shimna Integrated College and it is considered that this sewer could facilitate the proposed development if the proposed surface water flows were limited to the rates stipulated on the PDE form. In addition, the proposal also seeks to discharge surface water from the southern part of the site to an existing watercourse (School stream extension) via both an existing manhole and concrete lined open channel. DfI Rivers has issued Schedule 6 Consent dated 1/6/2020 for this proposed surface water discharge, which remains at present and DfI Rivers has no reason to disagree with the conclusions of the submitted Drainage Assessment - conditions / informatives will be attached as necessary in this regard.

Policies FLD4, FLD5 - There are no proposed culverting works as part of this development and the site is not located within an inundation area of any reservoir, therefore Policies FLD4 and FLD5 respectively are not applicable to this assessment.

#### Land Contamination

Further to provision of additional information including

- Pentland Macdonald Ltd. Letter Ref. PM 19-1025\_Let1. Dated 5th November 2020;
- Pentland Macdonald Ltd. Preliminary Contamination Risk Assessment Report No. PM17-1092A. June 2017;
- Pentland Macdonald Ltd. Generic Quantitative Contamination Risk Assessment. Report No. PM19-1092. September 2019.

DAERA's advise that any potential contamination can be managed through appropriate mitigating measures, as dealt with through necessary conditions below.

The Council's Environmental Health Department also confirm that they have no concerns about contamination in respect of human health (clarification email received on 12<sup>th</sup> March 2021) further to formal responses outlined above.

**In summary, subject to the attached necessary conditions and informatives being adhered to, the requirements of PPS15 (Revised) can be met and the proposal is considered acceptable to flood risk / drainage and ground environment requirements.**

#### 6.8 Impact on Residential Amenity and Open Space

The proposal has the potential to result in noise pollution which could impact on the residents from surrounding residential properties, arising from:

- The associated playing fields / areas of outdoor activity which are being relocated to the rear / western area of the site;
- Proposed fixed services plant.

There are no expected changes to all other outward noise aspects from the school as present. The proposed layout includes the provision of a 2.3m high (timber) acoustic barrier along the western (rear) boundary. Environmental Health, having considered all of the information provided (including Acoustic Design Review Noise Impact Assessment dated February 2019) are satisfied with Drawing SK07 REV14 which extends the height of the barrier and have no objections to this application, subject to all other conclusions and recommendations in the acoustic design review Ref 0440/41-2 dated Feb 2019 being implemented. This drawing has been amended slightly (to Drawing SK07 REV15,) however no changes have been made to the proposed acoustic measures, therefore further consultation with Environmental Health was not considered necessary.

I consider a condition necessary to ensure the proposed acoustic barrier is in place prior to the new school becoming operational and maintained in perpetuity of the lifetime of the school to ensure residential amenity is protected.

Land at the site is not zoned as protected open space however there are existing playing fields to the front of the school. The loss of this area of open space will be compensated by its relocation to the rear of the building. There are already existing indoor and outdoor sport facilities at the school catering for a wide range of activities. Proposals will merely replace existing with modern facilities; it is unlikely there will be any further impact to amenity above and beyond what already exists at the site and no objections have been raised in relation to this, including from environmental health in respect of the associated lighting. There have been no third-party objections or representations received in respect of residential amenity.

**In summary, subject to conditions being adhered to in respect of the proposed acoustic barrier, the proposal is considered acceptable to considerations of residential amenity and PPS8 requirements.**



**7.0 Recommendation: Approval****7.1 Summary recommendation**

The proposed development replaces the existing school with modern facilities benefitting the local community. The overall design and layout is acceptable with proposals meeting the requirements of planning policy, subject to the necessary planning conditions below being adhered to. On this basis it is recommended to approve the application.

**8.0 Planning Conditions:**

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

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

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

- SL01 Site Location Map
- SL03 Proposed Block Plan
- SK04 Proposed Ground Floor Plan
- SK05 Lower Ground Floor Plan
- SK06 Proposed First Floor Plan
- SK07 Rev.15 Proposed Site Plan
- SK08 Proposed Site Sections
- SK09 Proposed West and East Elevations
- SK10 Proposed North and South Elevations
- SK11 Proposed North and South Courtyard Elevations
- SK12 Proposed Roof Plan
- SK13 Proposed Site Sections
- 02 Planting Plan
- 002 Proposed Access Plan
- 005-PL02- Proposed Site Layout Overview of Road Details
- 006 Proposed Retaining Wall
- DAR20016-001 - Lighting Plan

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

3. All internal road improvements as shown on Drawings 005-PL02 (Proposed Site Layout Overview of Road Details\_ and SK07 Rev.15 (Proposed Site Plan) shall be completed prior to the approved development becoming operational.

Reason: In the interest of Road Safety.

4. The proposed acoustic measures as detailed on Drawing SK07 Rev.15 (Proposed Site Plan) in the design review Ref 0440/41-2 dated Feb 2019 shall be completed prior to the approved development becoming operational and the

acoustic barrier shall be maintained thereafter in perpetuity of the lifetime of the school facility.

Reason: In the interest of Residential Amenity.

5. The development hereby permitted shall take place in strict accordance with a Construction Method Statement (CMS) which has first been submitted to and approved in writing by the Local Planning Authority. The CMS shall include effective avoidance and mitigation methodologies for the protection of the water environment.

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

6. 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 during the first planting season after occupation.

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

7. The planting scheme as shown on Drawing 02 (date stamped 16 June 2020) should be completed within six months of first use of the development, or by the end of the first planting season (November to March) following first use.

Reason: To ensure retention of the trees and the mature landscape backdrop, which are an essential part of the setting of the listed building, ensuring the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

8. Any hedge removed shall be replanted within six months of first use of the development, or by the end of the first planting season (November to March) following first use, using native species.

Reason: To ensure retention of the trees and the mature landscape backdrop, which are an essential part of the setting of the listed building, ensuring the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

9. No retained tree (shown as retained in Drawing No.02 'Planting Plan') shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans

and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.

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

10. All external lighting installed on site shall comply with the lighting plans as detailed in the Outdoor Lighting Report, 19 November 2020 and Lighting Layout Plan (Drawing DAR20016/001).

Reason: To minimise impacts from the development on bats and other lighting sensitive species.

11. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council's Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

12. After completing the remediation works under Condition 11; and prior to operational use of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

13. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all watercourses and open drains within or adjacent to the site.

Reason: To prevent polluting discharges entering watercourses and impacting on the site integrity of Murlough SAC.

14. Storm drainage of the site, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm



water on nearby watercourses. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Murlough SAC.

15. The building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the building is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

16. The development hereby permitted shall take place in strict accordance with a proposed Drainage Plan which has first been submitted to and approved in writing by the Local Planning Authority. The drainage plan shall include effective mitigation measures for the prevention of surface flooding, including a mitigation swale is to address risk from overland flow in addition to proposed maintenance measures for the existing grill at the open and culverted section of the School Stream Extension within the application site.

Reason: To prevent flooding to the development and elsewhere.

**Case Officer Signature:** O. Rooney

**Date:** 22/03/2021

**Appointed Officer Signature:** A. McKay

**Date:** 22/03/2021

## Speaking Note

April 2021

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### Shimna IC (LA07/2020/0782/F)

1. Mr Chair, members of the Committee, thank you for the opportunity to address you today.
2. I am joined by my colleague Sam McKee from Turley and Jonathan Skelton, the project engineer from Doran Consulting.
3. We welcome the Council Planning Team's recommendation for approval of this planning application and the detailed Committee Report which has informed the recommendation. We would also like to place on record our thanks to the Council's Planning Team for their assistance and communication throughout the application process.
4. The Committee Report and the Officer's presentation today has set out in some detail how the proposed scheme is compliant with the provisions of the Ards and Down Area Plan, prevailing planning policy & guidance, and all other relevant material considerations. All statutory consultees have responded with no objections and no letters of representation have been received from any third parties.
5. The existing accommodation in respect to both school buildings and play space fall significantly short of the requirements of the Department of Education's standards for a post-primary school of this size.
6. The proposed development of a new school facility seeks to address the identified deficiencies in the existing school accommodation, and in doing so will provide high quality and fit-for-purpose accommodation that the current and future staff and pupils of Shimna Integrated College deserve.
7. Careful consideration has been given to the detailed design as well as the materials and finishes proposed for the development. The scale and massing of the buildings are appropriate for the site's location and alongside a high quality planting scheme assist in integrating the development within its setting, ensuring that this will not appear unduly prominent in the local landscape.
8. The proposed site layout has been designed to allow the school to continue to operate during the construction phase of the project without requiring school activities to decant off-site during the construction programme. The existing buildings will remain in situ during the construction of the new school building with the exception of the sports accommodation and will be demolished once the new school is occupied. This will help to minimise the disruption to the learning environment of the pupils and provide an element of continuity during the process.
9. In addition to the educational benefits of this development, the construction process represents an investment of approximately £18 million into the local economy (£28 million total investment), creating approximately 60-80 construction jobs over the duration of the build period which is projected to be 30 months.
10. If successful, it is the intention of the school and Education Authority to commence development on site as soon as possible, subject to discharging the proposed planning conditions and securing the necessary post-planning statutory approvals.

11. In conclusion, we welcome the Officer's recommendation and on the merits of the proposal that have been set out for you today, we would respectfully request that the Committee ratify the Planning Team's recommendation to approve planning permission for the new high-quality and fit-for-purpose school facility.
12. Sam, Jonathan and I are happy to answer any questions you may have about the scheme.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2020/1292/O**

**Date Received: 15<sup>th</sup> September 2020**

**Proposal: Erection of 2 detached infill dwellings and garages**

**Location: Lands located between no. 2 and 10 Glassdrumman Road, Ballynahinch**

#### **Site Characteristics and Area Characteristics:**

The application site is 0.47ha and comprises the front portion of a field which lies between no. 2 and 10 Glassdrumman Road. The site has a frontage of 111m along the road. There is mature vegetation along the roadside boundary along with the north west and south east boundaries with residential properties. To the rear of the site, land levels begin to increase. There are two dwellings opposite the application site.

The surrounding land is predominantly domestic and agricultural in use with a number of dwellings along this immediate stretch of the Glassdrumman Road. The site is located within the rural area, outside any designated settlement areas.

#### **Site History**

No recent or relevant planning history found on site.

#### **Planning Policies and 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, PPS3 and 21 (CTY1, 8, 13, 14, 15), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

**Consultations:**

DFI Roads – no objections subject to conditions

NI Water Multi Units – no objections subject to conditions.

**Objections & Representations:**

The application was advertised in the local press on 30<sup>th</sup> September 2020 which expired on 14<sup>th</sup> October 2020 and neighbour notification issued on 22<sup>nd</sup> September 2020 expired on 6<sup>th</sup> October 2020.

To date there have been 18 objections received in relation to the proposal including 3 from local elected members.

Objection has been raised on the following grounds:

- This is not a small gap between buildings, it is a large field
- Conflicts with Building on Tradition which states that "Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. \*When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots."
- This is not a continuous frontage, there are breaks by way of the lane beside no. 2, the ménage, and the gap between 12a and 14.
- No 12 cannot be considered as part of the ribbon as it is a farm cluster with development to the rear.
- This infill proposal fails to respect the existing development pattern in the frontage.
- The garage at no. 2 is not a qualifying building
- The proposed development would read as a suburban build-up and add to a ribbon of development
- Insufficient detail on the drawings with information missing
- Proposed development would have increased hardstanding and contribute to flooding. The site lies adjacent to an area of surface flooding on DFI Flood map. A full flood risk assessment should be provided with this application.
- Development would block off a wildlife corridor between 2 and 10. The hedgerow to be removed for splay provides shelter to wildlife
- No detail of how wastewater will be disposed
- Glassdrumman road is a very busy through road – the proposed development would exacerbate this and increase risk to walkers who use these roads for walks
- Continued building of modern houses leads to a loss of rural character and a loss of agricultural land.
- Loss of privacy between properties across the road from each other

- Applicant does not reside on this property and nobody knows who he is.
- The proposed twin access could be used as a roadway to future houses.
- Will set a precedent for others to build houses on Glassdrumman Road
- This is prime agricultural land and should be used for food production not building houses
- Glassdrumman road does not meet the needs for the current traffic let alone any additional traffic.
- Road is lethal in winter and never salted
- Roads is used by ambulance base and additional traffic could put lives at risk
- Last bungalow built on the road caused new flooding which would be exacerbated by this proposal. The current drainage cannot deal with the existing houses.
- Bringing in new people to the area could spread COVID and 100% of the people living within half a mile of the site are in high risk category due to old age or health. – this alone should be enough to refuse planning permission or postpone a decision.
- If approved, there would be 6 dwellings accessing a narrow stretch of road less then 200m in length
- People move to the countryside for peace and tranquillity, not to live cheek to jowl with neighbours. This urbanisation is ebbing away at the ethos of country life.
- This is a dangerous road for runners, dog walkers and cyclists and the proposal would make it even more dangerous.

Objections in terms of the principle of development of the gap site will be visited in the relevant section below.

With regards the objection raised on the lack of information such as elevation and floor plans, officers advise that this is an outline application whereby the applicant is obliged only to submit a location plan with the site identified in red.

There are no flood constraints within our own mapping system therefore the applicant is not required to submit a flood risk assessment in order for this application to be considered.

While comments on road safety and the use of the road by pedestrians is noted, planning officers defer to DFI Roads regarding the road safety requirements of the proposal.

With regards the potential for future development were this application to be granted, as well as a precedent being set on the road, officers reiterate that each application is considered on a case by case basis.

The fact that the applicant does not live at the site and is not known to neighbours is not considered to be reasonable grounds for objection or material to this planning application.

COVID 19 is not considered to be reasonable grounds for objection or a material planning consideration.



**Consideration and Assessment:**

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.

The proposed site has a frontage of 111m onto the Glassdrumman Road. To the south east of the site lies no. 2 which is a dwelling with detached garage, both with frontage onto the road. To the north west of the site is a dwelling at no. 10 also with frontage to the road. Further along the road lies a ménage with is in association with no. 12 Glassdrumman Road and two further dwellings beyond, with frontage to Glassdrumman Road. Officers are satisfied that this site comprises a small gap site within a substantial and continuously built up frontage.

With regard plot size. No.2 Glassdrumman road has a plot width of 46m, no 10 has a plot width of 54m and no 12 has a plot width of 68m. while a large portion of this frontage width is occupied by a ménage, this is viewed to be in association with the domestic property at no. 12 rather than being considered as undeveloped land, given the fencing and hardstanding and therefore is counted as part of the frontage width. The average of these three plot sizes is 56m. The site subject of this application has a frontage width of 111m. As there would be two dwellings within this application site, they would both have a plot width of 55.5m.

Officers are therefore satisfied that the proposed plot sizes would be in keeping with the development on either side. The proposal therefore respects the existing development pattern along this stretch of Glassdrumman Road.

While it is acknowledged that building to building distance is greater than the average plot width, from a visual perspective on the ground it is considered that the site frontage and the lands outlined in red are large enough to accommodate 2 dwellings which respect the existing development pattern, plot sizes and character of the area.

As this is an outline application, no detailed plans have been provided, however an indicative site layout has been provided showing how the site can accommodate 2 dwellings which respect the existing building line, plot sizes and footprints found in the surrounding area.

It is considered that the 2 sites identified are both large enough to accommodate a dwelling and garage with sufficient provision for parking, private amenity space, services and also spacing with the adjacent property to prevent an unacceptable impact. The land within the red line decreases in land level, whereby the land to the rear increases into a hill. The site is bounded by the established curtilages of no. 2 and no. 10 to either side and the increasing land level to the rear will provide a backdrop to the dwellings enabling suitable integration into the countryside and thus no concerns are raised regarding compliance with Policies CTY13 and CTY14.

It is also noted that these dwellings will be served by septic tanks, whereby it is considered there are sufficient lands to accommodate these services with associated soakaways.

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. DfI Roads have responded with no objections subject to conditions for compliance with the RS1 form in any reserved matters application.

While it is noted that objection is raised by several parties that the road is dangerous and busy even without this proposed new development, DfI Roads are satisfied that the proposed dwellings would have safe accesses and egress to and from Glassdrumman Road subject to compliance with the attached condition.

Therefore, having assessed the proposal against the relevant planning policies and material considerations which apply to the application, it is determined that this proposal is acceptable in line with Policy CTY8 of PPS21 and under Policy AMP2 of PPS3.

#### **Recommendation:**

Approval is recommended.

**Conditions:**

1. As required by Section 62 of the Planning (Northern Ireland) Act 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which the permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. The expiration of 5 years from the date of this permission; or
  - ii. The expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. The development hereby permitted shall take place in strict accordance with the following approved plan: 20.15.01B and 20.15.02D

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

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

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

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

Reason: To ensure the dwelling integrates into the landform.

5. The ridge height of the dwellings shall not exceed 6.0 metres above finished floor level at the lowest point within its footprint and underbuilding shall not exceed 0.5 metres at any point above existing ground level. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.



6. No development shall take place on the site until a landscaping scheme has been submitted to and approved by the Planning Authority showing
  - details of all proposed soft and hard landscaping;
  - details of all existing and proposed site boundary treatments
  - all existing vegetation to be permanently retained

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the department gives written consent to any variation.

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

7. A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

#### **Informative:**

1. The proposed siting and curtilage shall be broadly in accordance with the submitted Proposed Indicative Site Layout Plan shown on drawing number 20.15.02D

**Case officer:** Jane McMullan

**Authorised by:** Annette McAlarney

**Date:** 16 Nov 2020



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2020/1292/O**

**Date Received: 15<sup>th</sup> September 2020**

**Proposal: Erection of 2 detached infill dwellings and garages**

**Location: Lands located between no. 2 and 10 Glassdrumman Road, Ballynahinch**

**Post Committee Addendum**

Following the presentation of this application to Planning Committee on 16<sup>th</sup> December 2020, it was found necessary to consult further with Rivers Agency and HED, owing to the sites location adjacent to an area of pondage and its proximity to a site of a historic enclosure respectively.

Rivers Agency have responded with no objections subject to the development not involving new buildings and/or hard surfacing exceeding 1000m<sup>2</sup>, which the proposed development complies with, and HED have responded with no objections to the proposal. All other aspects of the application remain as discussed at the Committee on 16<sup>th</sup> December. Recommendation to Approve remains.

**Authorised by: Annette McAlarney**

**Date: 17 February 2021**

Statement accompanying a request for speaking rights

**Re: planning application Nos. LA07/2020/1292/O**

**Proposal: Erection of 2 detached infill dwellings and garages**

**Location: Lands located between no. 2 and 10 Glassdrumman Road, Ballynahinch**

On the 18<sup>th</sup> March 2021, Scofield J In Rural Integrity (Lisburn 01) v Lisburn and Castlereagh City Council Neutral Citation No: [2021] NIQB 32, granted leave for the applicant to bring a judicial review.

The judge condensed the dilemma facing planning authorities in considering the opposing interests of prohibition of adding to or creating ribbon development but at the same time being allowed by policy to fill in a small gap in an otherwise substantial and continuously built up frontage. At paragraph 11 he states-

[11] This case focuses on the meaning and application of the exception within Policy CTY8, namely that where there is *"an otherwise substantial and continuously built up frontage"* a *"small gap site"* within that frontage may be granted permission, provided that a number of additional conditions are met (that the proposal *"respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements"*). It might be thought that the policy pragmatically and realistically recognises that where the damage to the rural environment is already done, since a substantial and continuously built up frontage already exists, allowing that frontage to be completed is a small concession to the needs of sustaining the rural community likely to cause little further environmental harm. However, in such a case, care should be taken to ensure that the exception is not interpreted or applied in a way which goes beyond its proper scope and so undermines the policy's objective more generally.

In the present planning application I have already submitted substantial reasons why this application does not apply with policy. Briefly I would highlight

If properly read and understood, there is no conflict within the two terms of 6.73 of the SPPS which states-

***Infill/ribbon development: provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development;***

There are some situations where the frontage is so damaged by existing development in the countryside where infilling a small gap will not look any worse and in some cases it may actually improve the look of the frontage if a space is derelict or looks awkward and inconsistent with the rest of the frontage. These are the only gaps that can be infilled.



### Glassdrumman Road

I am putting three questions facing the Planning Committee which will all require a site visit to answer.

1. Is the application frontage part of a heavily developed frontage which has a suburban built up appearance already? Please visit the site and check.
2. Will approval of the two houses in this application fit into that frontage without it looking more built up, more suburban looking and spoil the rural setting for the rural community? Please visit the site and consider how two detached houses and garages will look in the gap. Will the area look more built up? Will a ribbon development be created or added to?
3. Will the approval of two more houses in this location sustain the rural community or be detrimental to it. Please visit the site. Look around at the existing residents homes. How would you feel if that was your home? Will this really sustain the local community. Please remember their objections.

The other question does not require a site visit. Is this sustainable development?

The SPPS states at 3.1 *"Sustainable development is at the heart of the SPPS and the planning system. Whilst there are a variety of expressions of the term sustainable development one of the more widely accepted definitions is to be found under Resolution 42/187 of the United Nations Assembly which defines sustainable development as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.' This definition is currently reflected in the RDS 2035, and is supported by the SPPS."*

At 3.3 the SPPS states - ***On the environment*** – *protecting and enhancing the built and natural environment (including our heritage assets, landscape and seascape character); seeking to ensure the planning system contributes to a reduction in energy and water usage, helping to reduce greenhouse gas emissions by continuing to support growth in renewable energy sources; promoting development where it reduces the need for private motorised travel; promoting high quality development and good design; working towards the restoration of and halting the loss of biodiversity; the conservation of soil and bog lands; and, managing development to safeguard against water pollution, flooding and securing improvements in water quality.*

I suggest that this application if approved will destroy another fertile field, will affect the hedgerow habitat, be bad for wildlife and be part of the cumulative destruction of our countryside. It will be bad for the environment and lock the future residents into unsustainable patterns of living based on car dependency.

I urge you to visit the site and make an informed decision with the above comments in mind.

Thank you

Gordon Duff  
26<sup>th</sup> March 2021





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2020/1780/O**

**Date Received: 3<sup>rd</sup> December 2020**

**Proposal: Replacement dwelling and retention of original dwelling for ancillary use**

**Location: 85m North of 28 Drumnaconnell Road, Saintfield**



**Site Characteristics and Area Characteristics:**



The lands outlined in red comprise the ruins of an old building, which is surrounded in dense vegetation, set in from the eastern side of Drumnaconnell Road. The red line includes a portion of agricultural field to the north east of the old building. Land levels rise slightly from west to east. There is dense and mature hedging along this stretch of Drumnaconnell Road.

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

### **Site History**

No recent or relevant planning history on this site.

### **Planning Policies and Material Considerations:**

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

### **Consultations:**

NI water responded with a generic response.

DFI Roads were consulted and responded with no objections.

### **Objections & Representations:**

The application was advertised in the local press on 16<sup>th</sup> December 2020 which expired on 30<sup>th</sup> December 2020 and neighbour notifications were also sent on 16<sup>th</sup> December 2020 which expired on 30<sup>th</sup> December 2020. To date there have been no objections received in relation to the proposal.

### **Consideration and Assessment:**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, it is added that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The SPPS retains certain existing planning policy statements and

amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined.

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.



There is an old stone building largely screened in views from the road as it sits surrounded by dense vegetation. The building is long and narrow and built with stone. It has room subdivisions and window detailing. There are 3 chimney stacks visible and the fenestrations appear to be domestic in appearance. The test under CTY 3 is whether the building exhibits the essential characteristics of a dwelling house, which officers are satisfied that this building does. Officers are further satisfied that the building is not considered to be worthy of retention.

Proposals for a replacement dwelling will only be permitted where all the following criteria are met.

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can

be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

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

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

A notional site layout has been submitted with this application showing a preferred siting to the rear northeast of the old stone dwelling. The agent states that the reasoning behind this is to reduce the need to clear old trees and woodland which has grown around the old building. Furthermore, he states that positioning the new dwelling to the rear of the patch of woodland would mean it would not be visible in views from the road and therefore this would minimise the impact on the landscape. This application further seeks to retain this old building for ancillary use in association with the proposed new dwelling. Officers are satisfied that the new positioning would be acceptable given that views of the dwelling would be minimal if any, and the loss of trees would be prevented. The siting and curtilage of the dwelling will be secured by siting condition.

This application seeks to retain the original dwelling for ancillary use. Officers consider that as this building currently is not visible, and the proposed dwelling will be largely hidden, there would not be the appearance of unnecessary accumulation of buildings in the countryside and so this retention would be acceptable. A condition will be imposed that this building be used for ancillary purposes only.

As this is an outline application, there have been no details of the design or scale of the proposed dwelling provided at this stage. Those aspects would be assessed at Reserved Matters stage. Given that the proposed dwelling would be on slightly raised land levels, officers consider a 6m ridge height restriction would be required in order to ensure the dwelling is not prominent by way of two storey bulk should any vegetation be removed in future.

There is nothing to suggest that all necessary services could not be provided without significant adverse impact on the environment or character of the locality. The agent has confirmed that in order to create the access, one large laurel tree would have to be removed. And two others trimmed back, however this species of tree is not considered native and its removal would not be a great loss.



The final criterion under Policy CTY3 is that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. This will be assessed below.

### PPS 3: Access, movement and parking

Policy AMP2 – Access to public roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification if the use of an existing access onto a public road where:

- (A) Such an access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- (B) The proposal does not conflict with Policy AMP 3 – Access to protected Routes

In assessment of this policy DFI Roads have been consulted. They responded with no objections to the proposal subject to compliance with RS1 at Reserved matters stage.

Officers therefore consider that the application would be in accordance with the guidelines of Policy CTY 3 – Replacement Dwellings and would be acceptable.

The proposed replacement dwelling must further be considered against Policy CTY13 – Integration and design of buildings in the countryside. The proposed dwelling would be sited to the rear of an area of dense woodland and vegetation. It would be largely screened behind layers of vegetation and would not be highly visible. Officers consider that the siting of the proposed new dwelling would allow the development to integrate successfully. Furthermore, the dwelling would use an existing access track.

CTY14 – character requires that the dwelling would not be unduly prominent in the landscape, would result in a suburban style build-up of development, does not respect the traditional pattern of settlement in the area, creates or adds to ribbon development or the impact of ancillary works would damage rural character. Officers are satisfied that the proposed replacement dwelling would not be unduly prominent given its setback and screening from Drumnaconnell Road, would not result in a suburban build up of development and given the plot size would respect the surrounding plot sizes. The site would not have road frontage and so would not lead to ribbon development. There is no reason to suggest that ancillary works would damage rural character.

A septic tank is proposed. Details of its location would be submitted at reserved matters stage and the necessary permission from NIEA Water Management Unit and NI Water are required. The proposal is not contrary to CTY16.

**Recommendation:**

Approval is recommended

**Conditions:**

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plan: A3812.

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

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

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

4. The dwelling and curtilage hereby approved shall be sited in the area indicated in yellow on drawing no. A3812.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

5. Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved plan A 3812, shall no longer be used or adapted for purposes of human habitation and may only be used for purposes incidental to the enjoyment of the approved dwelling house.

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

6. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21

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

Reason: To ensure the dwelling integrates into the landform.

8. The dwelling hereby permitted shall not be occupied until all new boundaries of the site have been defined by a timber post and wire fence with (a native species hedgerow/trees and shrubs of mixed woodland species) planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

9. Prior to commencement of development the applicant shall submit a copy of an NIEA Consent to Discharge of Effluent for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with policy CTY 16.

|                       |                          |
|-----------------------|--------------------------|
| <b>Case officer:</b>  | <b>Jane McMullan</b>     |
| <b>Authorised by:</b> | <b>Annette McAlarney</b> |
| <b>Date:</b>          | <b>15 March 2021</b>     |



Statement accompanying a request for speaking rights

**Re LA07/2020/1780/O Replacement dwelling, 85m North of 28 DrumnacConnell Road, Saintfield**

This application is a dual application

(a) The replacement of an old stone and derelict house which is not worthy or capable of retention. This dwelling has undoubtedly been replaced already and therefore fails to comply with CTY3 of PPS 21 where it states "In cases where the original building is retained, it will not be eligible for replacement again."

(b) The retention of the old stone and derelict house as ancillary accommodation.

Policy EXT1 of the Addendum to PPS 7 Residential Extensions and alterations states-

*Ancillary Accommodation*

*2.8 There may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances.*

*2.9 To be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable.*

*2.10 Where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding, planning permission will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling. The construction of a separate building, as self contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right. Other proposals for ancillary residential use which are clearly incidental to the enjoyment of the property, such as a garden room or a gazebo, will be treated on their merits within the terms of the policy.*

*2.11 In all cases the Department will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property and careful consideration will be given to the impact of proposals on neighbouring dwellings. Where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.*

(b) This application for ancillary accommodation within the derelict stone dwelling is unacceptable for the following reasons-

The planning officer report has stated “Officers are further satisfied that the building is not considered to be worthy of retention”. If the derelict building was not suitable for retention it will not be suitable for restoration or rebuilding as ancillary accommodation.

The application fails to comply with Policy EXT1 as quoted above in the following ways-

- It is not attached to the proposed replacement dwelling or internally accessible from it.
- This derelict stone cottage could be rebuilt/renovated to provide sufficient accommodation to become a self contained home in its own right so once granted permission for retention and therefore ancillary use it would be difficult thereafter for the Council to monitor and control if that ancillary use had in fact become a separate residential unit.
- Given the shortage of Council resources it would be hard for the Council to monitor and prevent immunity of this ancillary unit becoming a separate residential unit. This application for retention for ancillary use will therefore technically approve a potential new residential unit (unless the Council chose to monitor the property forever), which cannot be effectively controlled by a condition that it be used for ancillary purposes only. According to Policy EXT 1 this will not be acceptable unless a separate dwelling would if applied for on this site be granted planning permission on its own right.

The Applicant has suggested the replacement dwelling be repositioned to protect trees in the region of the derelict dwelling. Allowing this building to be restored in some way as ancillary dwelling would then put the trees at risk and no doubt tree preservation would be hard to condition if simultaneously allowing the property to provide ancillary accommodation.

### Conclusion

This application will potentially allow 2 houses. There should no houses at all as the application is contrary to policies CTY3 and EXT1 to the addendum to PPS7.

This application should fail as the property has at some stage, clearly, been already replaced with an adjacent house.

The ancillary accommodation will be impossible to monitor forever and as that is so the default is to refuse an application for potential independent ancillary accommodation that could easily become self contained and which is so far removed from the replacement dwelling.

Gordon Duff 26/3/21

## Statement

Address -           Approx 85m North of  
                          28 Drumnaconnell Road  
                          Saintfield  
                          BT24 7NB

Description -

LA07/2020/1780/O - Replacement dwelling and retention of original for ancillary use

Applicant -       Andrew and Sara Burgess

## Design Strategy

This application is made under **Planning Policy Statement 21, CTY 3**, Replacement dwellings for one dwelling. The existing building is retained for domestic ancillary use associated with the main dwelling. Only one residence is intended and only one is expected to be approved. The planning department will condition the use of the existing as ancillary to the main dwelling and only one residential use will be approved.



**TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS**

| Minute Ref       | Subject  | Decision  | Lead Officer      | Actions taken/<br>Progress to date | Remove<br>from<br>Action<br>Sheet<br>Y/N |
|------------------|--|---|-------------------|------------------------------------|--|
|                  |  | <b>PLANNING MEETING – 1<br/>AUGUST 2018</b>   |                   |                                    |  |
| LA07/2017/1261/0 | Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield                                   | <b>Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10</b> | Annette McAlarney | <b>Await legal advice.</b>         | N  |
|                  |  | <b>PLANNING MEETING - 13<br/>FEBRUARY 2019</b>  |                   |                                    |  |
| LA07/2015/0149/F | Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site | <b>Withdrawn by the Planning Department to allow further consultation to be completed</b>   | A Davidson        | <b>Remains under consideration</b> | N  |

| Minute Ref                                      | Subject  | Decision   | Lead Officer | Actions taken/<br>Progress to date  | Remove from Action Sheet Y/N |
|---|--|--|--------------|---|------------------------------|
|   | between 54 and 58 Edenappa Road, Jonesborough  |  |              |   |                              |
|   |  | <b>PLANNING COMMITTEE MEETING – 24 JULY 2019</b>   |              |   |                              |
| LA07/2018/1787/F                                | Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough  | <b>Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.</b>   | A McAlarney  | <b>Application to come back to Committee</b><br><br><b>Under consideration.</b> | N                            |
|   |  | <b>PLANNING COMMITTEE MEETING – 16 OCTOBER 2019</b>  |              |   |                              |
| LA07/2019/0773/0                                | Dwelling – to rear of 71 Church Street, Downpatrick  | <b>Withdraw from the addendum list for a meeting with Planners, applicant and agent</b>  | A McAlarney  | <b>Agent to submit revisions...awaited</b>                                      | N                            |
| <b>PLANNING COMMITTEE MEETING 11 MARCH 2020</b> |  |  |              |   |                              |
| LA07/2019/1455/F                                | New access to dwelling in substitution to that approved under planning ref: LA07/2018/0118/F – 30m SE of 8 Outlacken Road, Belleeks, Newry | <b>Defer for further discussions and agent/applicant to provide evidence to show that the former approved existing access is no longer available to the applicant and that under Policy an alternative access can be granted</b> | A Davidson   | <b>Remains under consideration. New agent on application.</b>                   | N                            |



| Minute Ref  | Subject   | Decision   | Lead Officer | Actions taken/<br>Progress to date   | Remove from Action Sheet Y/N |
|---|---|--|--------------|--|------------------------------|
| <b>PLANNING COMMITTEE MEETING<br/>26 AUGUST 2020</b>    |   |  |              |  |                              |
| LA07/2019/1302/F  | Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle. | <b>Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.</b> | A McAlarney  | <b>Awaiting consultation response from DFI Roads on new info submitted.</b>      | N                            |
| LA07/2019/1087/0  | Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar   | <b>Removed from the agenda as agent unable to attend</b>   | A McAlarney  | <b>Agent has engaged Ecologist to provide outstanding info for Planning Dept</b> | N                            |
| LA07/2019/1134/0  | Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar  | <b>Removed from the agenda as agent unable to attend</b>   | A McAlarney  | <b>Agent has engaged Ecologist to provide outstanding info for Planning Dept</b> | N                            |
| <b>PLANNING COMMITTEE MEETING<br/>23 SEPTEMBER 2020</b> |   |  |              |  |                              |
| LA07/2020/0176/F  | Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough  | <b>Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered</b>    | A Davidson   |  | N                            |



| Minute Ref   | Subject   | Decision  | Lead Officer | Actions taken/<br>Progress to date     | Remove<br>from<br>Action<br>Sheet<br>Y/N |
|--|---|---|--------------|--|--|
| <b>PLANNING COMMITTEE MEETING<br/>15 DECEMBER 2020</b> |   |   |              |  |  |
| P/2013/0189/F  | Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works | Site visit to be arranged   | P Rooney     | Site visit held 05-03-2021             | N  |
| LA07/2020/0167/F                                       | The Manse 17 Downpatrick Road Crossgar New Manse and detached domestic garage (Amended proposal description)  | Site visit to be arranged   | A McAlarney  | Site visit on 26-03-2021               | N  |
| LA07/2020/0719/F                                       | 171 Rathfriland Road Dromara Off site Replacement Dwelling  | Defer to give the applicant an opportunity to submit evidence to support their case | A McAlarney  | Info Submitted and with EHO            | N  |
| <b>PLANNING COMMITTEE MEETING<br/>10 FEBRUARY 2021</b> |   |   |              |  |  |
| LA07/2020/0013/F                                       | Approx 80m north of 64 Dromara Road Ballyward Castlewellan - farm building and animal handling facility and hardstanding                            | Site visit to be arranged   | A McAlarney  | Site visit on 26-03-2021               | N  |
| LA07/2020/0669/F                                       | 90m SE 21 Ballynalack Road Ballynalack Camlough - 2 dwellings and 2 garages   | Site visit to be arranged   | A Davidson   | Site visit on 26-03-2021               | N  |
| <b>PLANNING COMMITTEE MEETING –<br/>10 MARCH 2021</b>  |   |   |              |  |  |
| LA07/2020/1292/0                                       | Erection of 2 detached infill dwellings and garages Lands   | Removed from the schedule at the request of Planning Officers                       | A McAlarney  | To be tabled at April Planning Meeting | N  |

| Minute Ref       | Subject   | Decision   | Lead Officer | Actions taken/<br>Progress to date            | Remove from Action Sheet Y/N |
|------------------|---|--|--------------|---|------------------------------|
|                  | located between Nos 2 & 10 Glassdrumman Road Ballynahinch   |  |              |   |                              |
| LA07/2020/0299/F | Single storey dwelling - Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick                   | <b>Removed from the addendum list</b>                                | A McAlarney  | <b>To be tabled at April Planning Meeting</b> | N                            |
| LA07/2019/1312/F | two Infill Dwellings and Garages - Between 12 & 16 Lisinaw Road, Crossgar                         | <b>Removed from the schedule at the request of Planning Officers</b> | A McAlarney  | <b>To be tabled at April Planning Meeting</b> | N                            |
| LA07/2020/0079/O | Dwelling and garage on gap site Lands approximately 50m north west of No. 53 Ayallogue Road Newry | <b>Defer for a site visit</b>  | A Davidson   | <b>Site visit on 26-03-2021</b>               | N                            |
| LA07/2020/1000/O | Proposed infill dwelling - Lands between 5 and 9 Billy's Road, Ballyholland, Newry                | <b>Defer for a site visit</b>  | M Keane      | <b>Site visit on 26-03-2021</b>               | N                            |
| <b>END</b>       |   |  |              |   |                              |