

February 3rd, 2022

#### **Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday**, **9th February 2022** at **10:00** am in **Mourne Room Downshire and Microsoft Teams**.

#### Committee Membership 2021-2022

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

### **Agenda**

- 1.0 Apologies and Chairperson's remarks.
- 2.0 Declarations of Interest.
- 3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol Members to be present for the entire item.
  - Item 7 LA07/2021/0586/0 Cllrs. Hanna, Harte, Larkin, McAteer, McEvoy and O'Hare were in attendance at the site visit.
  - Item 8 LA07/2021/0040/0 Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
  - Item 9 LAO7/2021/0816/0 Cllrs. Hanna, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
  - Item 10 LA07/2019/1653/F Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
  - Item 11 LA07/2020/1041/0 Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
  - Item 12 LA07/2021/1041/0 Cllrs. Hanna, Harte, Larkin, Murphy, McAteer, McEvoy, O'Hare and Trainor were in attendance at the site visit.
- 4.0 Minutes of Planning Committee Meeting held on Wednesday 12 January 2022. (Attached).
  - Planning Committee Minutes 12.01.2022..pdf

Page 1

#### For Discussion/Decision

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

Addendum list - 09-02-2022.pdf

Page 15

#### Local Development Plan Items - Exempt Information

#### 6.0 LDP: Progress Report – Quarterly Update. (Attached).

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

PC Report re LDP Progress - Quaterly Update (3rd Q 2021-22).pdf

Not included

LDP Progress - Quarterly Update (3rd Q 2021-22)(Report Appendix).pdf

Not included

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

7.0 LA07/2021/0586/O - Proposed dwelling and garage - Lands immediately south of No 7 Glenmore Road, Mullaghbane. (Case Officer report attached).

**REFUSAL** 

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Paul McKernan, agent and Oliver Hearty, applicant, will be available to answer any queries Members might have)
- LA07-2021-0586-O.PDF

Page 16

8.0 LA07/2021/0040/O - Infill Dwelling and Garage - Between No 5 & 7 Bog Road Forkhill Newry Co Down. (Case Officer report attached).

**REFUSAL** 

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (John Feehan/Margaret Smith, agent, will be available to answer any queries Members might have)
- LA07-2021-0040-O.PDF

Page 21

9.0 LA07/2021/0816/O - Proposed replacement dwelling to create an infill dwelling - Adjacent to No. 10 Hillhead Road, Newry, BT35 8TN. (Case Officer report attached).

**REFUSAL** 

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (John Feehan/Margaret Smith, agent, will be available to answer any queries Members might have)
- LA07-2021-0816-O.PDF

Page 26

Addendum to LA07.2021.0816.0 Hillhead Rd.pdf

Page 34

10.0 LA07/2019/1653/F - 5 No Apartments, Bin store, Car parking and Associated Site Works - Lands to the East of No 5 Ferry Quarter View and Lands to the North East of No 3 Ferry

#### Quarter View Strangford. (Case Officer report attached).

**APPROVAL** 

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Tony Stevens and Nick Laird objectors, and Philip Stinson, Turley Architects, and Andrew Groves, APD Architects, will be available to answer any queries members might have).
- LA07-2019 -1653-F Apartments Ferryquarter.pdf

Page 36

## 11.0 LA07/2020/0653/O - Dwelling and garage - Approx 40m south west of 11 St Patrick's Circle Saul Downpatrick. (Case Officer report attached).

**REFUSAL** 

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Gerry Tumelty, agent and P J Fox, applicant, will be available to answer any queries Members might have)
- LA07-2020-0653-O St Pats Circle Saul.pdf

Page 54

12.0 LA07/2021/1041/O - Dwelling and detached garage with associated site works, including improvements to existing vehicular access - To the rear of 9 Wateresk Road Dundrum. (Case Officer report attached).

**REFUSAL** 

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

LA07\_2021\_1041\_O\_CO\_Report.pdf

Page 62

#### Development Management - Planning Applications for determination

13.0 LA07/2020/1866/O - New dwelling with associated detached garage and site works - Between 78 and 80 Old Park Road Drumaness Ballynahinch. (Case Officer report attached).

**REFUSAL** 

• A request for speaking rights has been received from Nicholas O'Neill, agent, and Maureen Nixon, applicant, in support of the application. (Submission attached).

# 14.0 LA07/2021/1790/F Proposed Conversion and Extension of a Vernacular Barn to form a Single Dwelling 170m Northwest of 150 Clonvaraghan Road Ballyward. (Case Officer report attached).

**REFUSAL** 

- A request for speaking rights has been received from Declan Rooney, agent, and Des Herron, applicant, in support of the application. (Submission attached).
- LA07\_2021-1790-F 150 Clonvaraghan Road.pdf

Page 76

☐ Item 14 - LA07-2021-1790-F.pdf

Page 84

## 15.0 LA07/2021/0875/O - Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick. (Case Officer report attached).

**REFUSAL** 

- A request for speaking rights has been received from Michael Bailie, agent, in support of the application. (Submission attached).
- LA07-2021-08675-O adj to 5 Lougkeelan Road Strangford.pdf

Page 86

☐ Item 15 - LA07-2021-0875-0.pdf

Page 93

## 16.0 LA07/2021/0755/O - Site for dwelling with garage (gap site) - 50 metres south west of 11 Saval Lane Saval Newry. (Case Officer report attached).

**REFUSAL** 

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

LA07\_2021\_0755\_O.pdf

Page 95

https://doi.org/10.1016/10.101

Page 109

17.0 LA07/2021/1243/F - Single storey extension to the rear and first floor extension the side - 18 Park View, Cloughoge, Newry. (Case Officer report attached).

• A request for speaking rights has been received from Matt McMullan, agent, in support of the application. (Submission attached).

LA07-2021-1243-F.PDF Page 111

☐ Item 17 - LA07-2021-1243-F.pdf

Page 116

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

**REFUSAL** 

- A request for speaking rights has been received from Collins and Collins, agents, in support of the application. (Submission attached).
- LA07-2021-1023-O.PDF Page 118
- https://doi.org/10.1023-0.pdf

Page 122

19.0 LA07/2020/0074/O - Proposed erection of 3 no. detached dwellings (Category 1 elderly,) in curtilage car-parking, landscaping / planned open space and other ancillary works (amended site address). Lands north of No.5 Rathdallan, Well Road and west of No.33 Clonallon Road Warrenpoint (adjacent to existing Rathdallan Housing Development). (Case Officer report attached).

**REFUSAL** 

- A request for speaking rights has been received from Gerry Tumelty, on behalf of objectors to the application. (Submission attached)
- A request for speaking rights has been received from Thomas Bell of Clyde Shanks in support of the application. (Submission attached).
- LA07.2020.0074.O Final COR.pdf

Page 123

ltem 19 - LA07-2020-0074-0 (objection).pdf

Page 156

☐ Item 19 - LA07-2020-0074-0.pdf

Page 158

20.0 LA07/2021/1655/F - Public realm improvement scheme comprising (see proposal below) - Lands along Warrenpoint

## Front Shore adjacent to Marine Parade Harbour Quays Havelock Place Warrenpoint. (Case Officer report attached).

resurfacing; new kerbing; new railings; installation of street furniture including
picnic benches, seats, bins, cycle stands and bollards; replacement street and
feature lighting; reconfiguration of existing car park; sea wall repairs; vegetation
planting; new signage and entrance feature; upgrade of existing ramps to the faux
beach adjacent to the baths to be made DDA compliant, complemented with the
installation of new granite steps; and all associated works -

APPROVAL - Addendum list

LA07\_2021\_1655\_f.pdf

Page 160

#### For Noting

#### 21.0 Historic Action Sheet. (Attached).

Planning HISTORIC TRACKING SHEET - Updated February 2022.pdf

Page 173

## 22.0 Planning Committee Performance Report for January 2022. (Attached).

☐ January 2022 Planning Committee Performance Report.pdf

Page 178

#### 23.0 Current appeals and decisions. (Attached)

Current Appeals.pdf

Page 186

#### NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 12 January 2022 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: (Committee Members)

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

(Officials)

Mr C Mallon Director Enterprise Regeneration &

Tourism (via Teams)

Mr A McKay Chief Planning Officer

Mr A Hay Principal Planning Officer (via Teams)
Ms A McAlarney Senior Planning Officer (via Teams)
Mr M Keane Senior Planning Officer (via Teams)
Mr A Davidson Senior Planning Officer (via Teams)
Ms P Manley Senior Planning Officer (via Teams))

Ms N Largey Legal Advisor

Mr F O'Connor Head of Legal Administration
Ms S Taggart Democratic Services Manager

(Acting)

Ms L O'Hare Democratic Services Officer
Ms C McAteer Democratic Services Officer

Ms P McKeever Democratic Services Officer (via Teams)

#### P/001/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

No apologies were received.

#### P/002/2022: DECLARATONS OF INTEREST

Councillor Devlin declared an interest in Planning Application LA07/2021/1203/0 and advised she would not be taking part in the discussion/decision on this application.

Councillor Trainor declared an interest in Planning Application LA07/2021/1290/F and advised he would not be taking part in the discussion/decision on this application.

P/003/2022: DECLARATIONS OF INTEREST IN ACCORDANCE WITH

PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

No declarations were made.

#### MINUTES FOR CONFIRMATION

P/004/2022: MINUTES OF SPECIAL MEETING OF THE PLANNING

COMMITTEE MEETING HELD ON WEDNESDAY 15 DECEMBER

2021 RE. PRE-DETERMINATION HEARING

Read: Minutes of Special Meeting of the Planning Committee Meeting held on

Wednesday 15 December 2021. (Copy circulated)

AGREED: On the proposal of Councillor Devlin, seconded by Councillor

McKee, it was agreed to adopt the Minutes of the Special Meeting of the Planning Committee Meeting held on

Wednesday 15 December 2021 as a true and accurate record.

P/005/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON

WEDNESDAY 15 DECEMBER 2021

Read: Minutes of Planning Committee Meeting held on Wednesday 15

December 2021. (Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor

McEvoy, it was agreed to adopt the Minutes of the e Planning Committee Meeting held on Wednesday 15 December 2021 as

a true and accurate record.

#### FOR DISCUSSION/DECISION

P/006/2022: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations

received or requests for speaking rights – Wednesday 12 January

2022. (Copy circulated).

AGREED: On the proposal of Councillor Hanlon seconded by Councillor

Devlin, it was agreed to <u>remove</u> the following application listed on the addendum list for Wednesday 12 January 2022:

 LA07/2021/0875/O - Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick REFUSAL

AGREED: On the proposal of Councillor Devlin, seconded by Councillor

Hanna, it was agreed to approve the Officer recommendation

#### in respect of the following application listed on the addendum list for Wednesday 12 January 2022:

 LA07/2021/1290/F - Provision of a public car park to provide parking for Knocknashina Play Park - Knocknashina Road Downpatrick APPROVAL

#### DEVELOPMENT MANAGEMENT -PLANNING APPLICATIONS FOR DETERMINATION

P/007/2022: PLANNING APPLICATIONS FOR DETERMINATION

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

AGREED:

On the proposal of Councillor Burgess, seconded by Councillor Harte it was agreed to exclude the public and press from the meeting during discussion on Planning Applications LA07/2021/1203/0 and LA07/2020/1756/F which related to exempt information by virtue of para. 1 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to an individual and the public may, by resolution, be excluded during this item of business.

#### (1) LA07/2021/1203/O

(Councillor Devlin withdrew from discussions on Planning Application LA07/2021/1203/0)

#### Location:

Located between 60 & 62 Drumee Road Castlewellan.

#### Proposal:

Infill dwelling, with domestic garage plus associated site works

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

Ms C Maze, agent and Mr O Boden, applicant (via Teams) presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

(Councillor Devlin re-joined the meeting)

#### (2) LA07/2020/1756/F

#### Location:

86 Lismore Crossmaglen Newry BT35 9ET

#### Proposal:

Single storey extension to rear and side of dwelling to allow new kitchen and disabled person accommodation

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

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

DEA Councillor Finnegan spoke in support of the application.

AGREED: On the proposal of Councillor Devlin seconded by Councillor

McEvoy it was agreed to come out of closed session.

The Chairperson advised that whilst the Committee Closed Session the following was agreed:

AGREED: On the proposal of Councillor McKee, seconded by Councillor

Murphy, it was agreed to issue an approval in respect of Planning Application LA07/2021/1203/O contrary to officer recommendation based on the reasons put forward by Members during the debate on this application whilst in

closed session.

Planning Officers be delegated authority to impose any

relevant conditions.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor

Murphy, it was agreed to issue an approval in respect of Planning Application LA07/2021/1756/F contrary to officer recommendation based on the reasons put forward by Members during the debate on this application whilst in

closed session.

Planning Officers be delegated authority to impose any

relevant conditions.

#### (3) LA07/2021/0953/F

#### Location:

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

#### Proposal:

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

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

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

#### Issues raised:

- Mr Keane said the pods that had been approved approximately half mile from the proposed application site were located on a site that was low lying, flat and readily available to accommodate the pods, unlike the proposed application site which he said was elevated, open, prominent and would require significant earth works.
- Mr O'Callaghan did not consider significant earth works would be required to accommodate the pods, and he did not agree they would be unduly prominent.

#### AGREED:

On the proposal of Councillor Trainor, seconded by Councillor Devlin it was unanimously agreed to defer Planning Application LA07/2021/0953/F for a site visit so Members could assess the site in more detail.

(Break 11.50 - 12.00 noon)

#### (4) LA07/2021/0306/F

#### Location:

Adjacent to No. 08 Chapel Road Meigh Co Armagh

#### Proposal:

Proposed new domestic infill dwelling house

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

Mr T Hamill, agent (via Teams) presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

#### Issues Raised:

- Mr Davidson said the combination of the proposed site together with the design was unacceptable, the access was a narrow track, the proposed dwelling would be shoehorned between existing development and would result in overlooking and dominance.
- Mr Davidson said the proposed site was not suitable for development due to its size, shape and context.

- Mr Davidson said consideration had been given to the surrounding context but said the proposed application failed, as Planning considered it to be an inappropriate development.
- Mr Davidson said it the Committee should be mindful of setting a precedent if approval was granted for this application.

Councillor Devlin proposed to issue a refusal in respect of Planning Application LA07/2021/0306/F as per officer recommendation. Councillor Trainor seconded the proposal.

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

FOR: 4 AGAINST: 6 ABSTENTIONS: 2

The proposal was lost.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2021/0306/F contrary to officer recommendation on the basis that he considered the location to be an urban setting and as per the planning report, development would generally be acceptable in an urban area and as the proposed design was for 1-2 people he considered the amenity space to be adequate. Councillor Hanna seconded the proposal.

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

FOR: 8
AGAINST: 3
ABSTENTIONS: 1

The proposal was carried.

#### AGREED:

On the proposal of Councillor Murphy, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2021/0306/F contrary to Officer recommendation on the basis that the proposed dwelling would be located in an urban area and the amenity space was adequate for 1 – 2 people.

Planning Officers be delegated authority to impose any relevant conditions.

#### (5) LA07/2021/0338/O

#### Location:

105m north west of No. 37 Polkone Road, Mullaghbawn, Newry

#### Proposal:

Site for dwelling and detached garage

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

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

#### **Issues Raised:**

- The field located behind the farm up the laneway on the right hand side was in the ownership of the applicant.
- The main farm dwelling located 100m up the laneway and the buildings at the road frontage were all part of the farm holding.
- Planning fully assessed the whole site within the red line irrespective of whether the application was for outline or full planning permission.
- Mr Davidson advised a siting condition would not have resolved their concerns.
- Mr Quinn advised the measurement from the corner of the farm buildings to the corner of the house was 45m.
- Mr Davidson said Planning did not consider the proposed dwelling would be visually linked and they only considered sites that complied with policy.
- Mr Davidson said the proposed application would add to ribbon development and would potentially open up the opportunity for an infill site.
- Mr Quinn said he had grouped the proposed application with the buildings along the road frontage and that driving along the Polkone Road, the 45m distance would not be apparent.
- Mr Quinn considered the alternative proposed site as recommended by Planners was not suitable as it could affect any future development of the farm.
- There was nothing in planning policy to indicate a farm dwelling could not be located adjacent and linked with farm dwellings on the opposite side of a laneway.
- Ms Largey emphasised it was not a case of where Planners preferred to locate the proposed dwelling but rather which site complied with policy and she said a site visit may be advisable.

Councillor McKee proposed to issue an approval in respect of Planning Application LA07/2021/0338/O on the basis that there was nothing in planning policy to indicate a house could not be sited opposite existing buildings and still be visually linked. Councillor Burgess seconded the proposal.

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

FOR: 9
AGAINST: 0
ABSTENTIONS: 3

The proposal was carried.

#### AGREED:

On the proposal of Councillor McKee, seconded by Councillor Burgess, it was agreed to issue an approval in respect of Planning Application LA07/2021/0338/O contrary to officer recommendation on the basis that there was nothing in planning policy to indicate a house could not be sited opposite existing buildings and still be visually linked.

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

#### (6) <u>LA07/2021/1252/0</u>

#### Location:

40m south west of No. 67 Tullyframe Road Attical

#### Proposal:

Dwelling and garage

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

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

#### **Issues Raised:**

- Mr Keane said each application was different and the applications referred to by the agent were not comparable to the proposed application. Planning Department strived to be consistent in all their determinations.
- Mr Keane said the proposed new access would result in two houses being enclosed on three sides by either road or laneway.
- Mr Quinn said the proposed new access would need a short realignment to the wall at the front of No. 63, and the applicant had permission from the owner of No. 63 to undertake this work.
- Neighbour notification was conducted. Owner of neighbouring lands objected advising they owned the lands that were required to provide the splays and to widen the laneway, and consent had not been given to do so.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1252/O on the basis that he considered it was an exceptional case, the access to the existing lane could not be used, the ancillary works could be integrated and would not damage the rural character of the area and the amenity of the two dwellings would not be adversely affected.

Councillor Hanna seconded the proposal and asked if Councillor Larkin would accept an amendment to include a Mourne dry stone wall be built to the upper side of the site to the east side of the lane. Councillor Larkin accepted the amendment to the proposal.

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

FOR: 11 AGAINST: 0 ABSTENTIONS: 1

The proposal was carried.

#### AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1252/O contrary to officer recommendation on the basis that it was an exceptional case, the access to the existing lane could not be used, the ancillary works could be integrated and would not damage the rural character of the area and the amenity of the two dwellings would not be adversely affected.

A Mourne dry stone wall be built to the upper side of the site to the east side of the lane.

Planning officers be granted authority to impose any relevant conditions.

#### (7) LA07/2020/1584/F

#### Location:

Lands between Nos 228 and 230 Kilkeel Road Annalong

#### Proposal:

Proposed infill dwelling and attached garage with associated site works

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

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

Ms Jen Firth spoke on behalf of DAERA.

#### **Issues Raised:**

- Mr Keane acknowledged there were several planning permission approvals granted along the same stretch of road as the application site, all of which had been considered in assessing the proposed application but said these would have predated current information on coastal erosion, and each were justified in their own right.
- Mr Keane said in the absence of detailed scientific data, Planning had taken a precautionary approach. They had sought advice from NIEA and issued a refusal solely based on a precautionary approach.
- Mr Larkin said the application site was 11m above sea level, 40m from the coast and on a rocky outcrop and the applicant was fully aware of and prepared to accept any potential risks of building on the site.
  - Planning were fully aware the newly constructed unauthorised wall to the rear of the site was outside the red line of the application site and therefore not under consideration.
  - Ms Firth said the fact the site was elevated was immaterial in that rising sea levels and coastal erosion could undermine the land below the site and the property would

- then have to be protected. Any sea wall or sea defences were contrary to policy because of the effect on the environment.
- Ms Firth said climate change was a natural occurrence that was exacerbated by human behaviour and would continue to occur, even allowing for a change in human behaviour, albeit at a slower pace.
- Ms Firth said the Coastal Forum had contracted a detailed survey of the coast that
  would provide a lot more data and which would greatly improve the advice they
  currently give to Planning, however, she said this would not be completed for a few
  years, and in the interim, DAERA considered it irresponsible to allow people to build
  in coastal areas that could be impacted by climate change within the lifetime of the
  development.
- Ms Largey said the Committee should note planning permission went with the land and not the applicant and it was immaterial whether the applicant was prepared to accept any potential future risk of coastal erosion.
- Ms Largey said the role of the Planning Committee was to determine if the
  application was acceptable in planning policy terms and particularly in circumstances
  where DAERA were advising a potential risk and where policy presumption was quite
  strong against granting planning permission for areas of the coast known to be a risk
  of coastal erosion and in the absence of definitive data, Planners advice was to
  exercise caution.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/1584/F on the basis that he was very familiar with the area and said the road ran along the top of a cliff and there was almost zero coastal erosion. He accepted the precautionary risk highlighted by Planners and the potential risk in terms of rising sea levels and but he said several other developments close by had been granted permission and he considered it would be extremely unfair to issue a refusal on a precautionary risk only in the absence of any detailed scientific data. Councillor McKee seconded the proposal.

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

FOR: 10 AGAINST: 0 ABSTENTIONS: 1

The proposal was carried.

#### AGREED:

On the proposal of Councillor Hanna, seconded by Councillor McKee, it was agreed to issue an approval in respect of Planning Application LA07/2020/1584/F contrary to officer recommendation on the basis that there was almost zero coastal erosion at the site, several other neighbouring properties had received planning permission, and there was no scientific data to evidence coastal erosion.

Planning officers be granted authority to impose any relevant conditions.

#### (8) LA07/2021/0650/F

#### Location:

30m NWE of 11 Glen Road Downpatrick

#### Proposal:

Proposed off site replacement dwelling and domestic garage

#### Conclusion and Recommendation from Planning Official Refusal

#### Power-point presentation:

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

#### Speaking rights:

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

#### Issues raised:-

 Ms McAlarney stated the proposed development would create a ribbon of development irrespective of whether the building to be replaced was demolished.

Councillor McKee proposed to issue an approval in respect of Planning Application LA07/2021/0650/F on the basis that he considered it would not create a ribbon of development in replacing the dwelling adjacent to the farm.

Councillor Hanna seconded the proposal saying he believed the original foot print was too restricted and it would not be practical to site the dwelling at that location.

Ms Largey expressed concern at the reason given by Councillor McKee in his proposal in lieu of the clear advice given by Planning and advised the reasoning given by Councillor Hanna in seconding the proposal would be a safer stance to take.

Councillor McKee took on board Ms Largey's advice and the following was agreed:

#### AGREED:

On the proposal of Councillor McKee seconded by Councillor Hanna it was u agreed to issue an approval in respect of Planning Application LA07/2021/0650/F contrary to officer recommendation on the basis that the curtilage of the existing dwelling would not be large enough to accommodate the proposed replacement dwelling and garage, the off-site replacement location would visually cluster with the houses on the opposite site of the road and there were health and safety issues with siting the dwelling so close to the farm buildings.

Planning officers be granted authority to impose any relevant conditions.

#### (9) LA07/2021/1162/F

#### Location:

190m SW of No. 46 Moneyslane Road, Ballyward, Castlewellan

#### Proposal:

Proposed agricultural shed, secure store, yard and paddock (to replace existing agricultural shed)

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

Mr Martin Bailie, agent presented in support of the application, (via Teams) detailing and expanding upon a written statement that had been circulated to Committee Members.

#### Issues raised:

- The agent said the current proposal would enhance and improve the farm and allow for farm diversification.
- The existing farm yard was located at the crossroads in the village of Dechomet.
- The agent said that extending the existing farm yard would affect land that had been zoned for housing – Ms McAlarney could not confirm the land was zoned for housing but said it was within the settlement of Dechomet.
- The agent said all potential sites had been explored and it was the decided the
  proposed site was the most suitable as it was the site of an existing shed, it gave
  access to the fields on the opposite side of the road and the proposed design would
  ensure it would integrate well into the surrounding landscape.

(Councillor Trainor left the meeting at this point).

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/1162/F on the basis that the proposed application was replacing an existing building, it would improve and enhance the farm and allow for farm diversification, the design would integrate into the landscape, it complied with CTY1 in that there was a provision within the policy for re-siting where it was considered essential for the efficient running of the farm and the proposed site was on the lower part of the field and if required screening could used.

Councillor Murphy seconded the proposal.

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

FOR: 10 AGAINST: 0 ABSTENTIONS: 0

The proposal was carried.

#### AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2021/1162/F contrary to officer recommendation on the basis that the proposed application was replacing an existing building, it would improve and enhance the farm and allow for farm diversification, the design would integrate into the landscape, it complied with CTY1 and the proposed site was on the lower part of the field.

Planning officers be granted authority to impose any relevant conditions.

#### (10) LA07/2021/0329/O

#### Location:

To the rear of No.30 Grove Road Annalong

#### Proposal:

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

#### Conclusion and Recommendation from Planning Official:

Refusal

#### Power-point presentation:

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

#### Speaking rights:

Mr John Cole, agent and Mr Ryan Newell, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

#### Issues raised:

- The agent stated the height of the ridge of the proposed building would be approximately 6.57m compared to the height of the ridge of No. 30 Grove Road which was 8.53m, the proposed dwelling would be located to the rear of No. 30 and Planning did not have any concerns regarding dominance with the proposal.
- Mr Keane said there wasn't a planning policy to support the removal of concrete hardstanding and replace it with a dwelling.
- Planning considered the building to be replaced had been used for agricultural purposes and therefore contravened planning policy, and was not eligible for replacement.
- Ms Largey stated the case officer had interpreted the policy correctly in that the buildings on site that had been used as office space, toilets and a canteen were ancillary to the agricultural business and therefore not eligible for replacement.
- Mr Keane said in assessing the application, Planning had looked at appeals history
  and he referred to one case whereby it had been ruled that an ancillary building that
  had been used to house a heating system, changing/toilet facilities and a canteen
  had been used for the purposes of agriculture.
- Ms Largey said planning policy did not use the term 'agricultural building' but rather 'buildings designed and used for agricultural purposes'.

AGREED: On the proposal of Councillor Hanna seconded by Councillor

McKee it was unanimously agreed defer Planning Application LA07/2021/00329/0 for a site visit so Members could assess

the site in more detail.

#### FOR NOTING

P/008/2022: HISTORIC ACTION SHEET

Read: Planning historic action sheet. (Copy circulated)

14

AGREED: It was unanimously agreed to note the Planning Historic

Action Sheet.

P/009/2022: PLANNING COMMITTEE PERFORMANCE REPORT

- NOVEMBER 2021

Read: Planning Committee Performance Report for December 2021.

(Copy circulated)

AGREED: It was unanimously agreed to note the Planning Committee

Performance Report December 2021.

P/010/2022: CURRENT APPEALS AND DECISIONS -DECEMBER 2021

Read: Planning Appeals and Decisions Report for December 2021.

(Copy circulated)

AGREED: It was unanimously agreed to note the Report on Planning

Appeals and Decisions for December 2021.

P/011/2022: UPDATE ON PLANNING APPLICATIONS LA07/2020/0788/F

AND la07/2020/0843/LBC

Mr McKay gave the Committee a verbal update on Planning Applications LA07/2020/0788/F and LA07/2020/0843/LBC – Mourne Park House, Kilkeel, saying following the applications being referred to DfI for consideration at the March 2021 Planning Committee Meeting, the Department had advised it would be making the final decision. Mr McKay said this was likely to feature in local media.

Councillors expressed their disappointment at this decision. Mr McKay said this had never happened before and Planning would be handing over all relevant files to the Department in the coming week.

The meeting concluded at 15.06.

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

Signed:	Chairperson
Signed:	Chief Executive

#### Item 5 - Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights — Planning Committee Meeting on Wednesday 09 February 2022

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

 LA07/2021/1655/F - Public realm improvement scheme comprising (see proposal below) - Lands along Warrenpoint Front Shore adjacent to Marine Parade Harbour Quays Havelock Place Warrenpoint APPROVAL

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



Application Reference: LA07/2021/0586/O

Date Received: 15/03/2021

Proposal: Proposed dwelling and garage.

Location: Lands immediately south of No 7 Glenmore Road, Mullaghbane.

#### Site Characteristics & Area Characteristics:

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

The site is on the edge of the public road and is an area of steep rising ground which is quite overgrown and rocky, the area to the south of the site has been partially cleared with a large amount of rock present. Beyond the area of cleared ground is a newly constructed single-story dwelling, adjacent and north of the site is No 7 a small single storey dwelling, north of No 7 is a small agricultural style building.

The site is within a rural area of countryside, there are a few properties within the vicinity of the site however at present the character of the area remains rural.

#### Site History:

LA07/2015/0995/F - Two storey farm dwelling with detached garage and associated site works - Lands 91M NW of No.3 Glenmore Road Mullaghbane - Permission Refused 09/06/2016.

LA07/2017/0313/F - Replacement dwelling - Site adjacent and north of 3 Glenmore Road, Mullaghbane - Permission Approved 21/10/2019.

#### 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 - Generic response.

#### Objections & Representations:

The application was advertised on 14/04/2021, four neighbours were notified on 05/05/2021, no representations or objections have been received.

#### Consideration and Assessment:

#### Strategic Planning Policy Statement for Northern Ireland

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

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

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

#### Policy Consideration

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

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. A roadside dwelling No 7 is located north of the application site, this property has a frontage with the public road. North of this property is an agricultural style building within a separate curtilage which also has a frontage to the road. South of the site is an area of open land and then a recently constructed dwelling which has a frontage with the public road. It is considered that 3 buildings are located along the road frontage.

The second step in determining if an infill opportunity exists is to identify whether the gap site is small and the third step in determining if an infill opportunity exists is whether in terms of size, scale, siting and plot size the proposal would respect the existing development pattern. For the purpose of policy that is "sufficient only to accommodate up to a maximum of two houses". The proposal is for outline permission and so little details are provided, the application site has a road frontage of 65 metres and there is an area of open land with a frontage of 70 metres, this land is set between the development identified to the north and south. The agent for the application argues that the frontage is in keeping with existing properties in the area, in additional information submitted they state that the policy test is not whether the gap can accommodate more than two dwellings but whether the gap site could accommodate more than two dwellings but whether the existing settlement pattern.

Policy CTY 8, however, relates to the gap between road frontage buildings as outlined by the PAC and not to the width of the frontage for an application site. In this instance, the gap between No 7 and the newly constructed dwelling to the south measures 150m. Irrespective of the road frontage width of properties in the area, such a gap could accommodate more than two dwellings while respecting the existing development pattern in the area. As a result, proposal fails to meet the second and third steps.

PAC decision 2019/A0158 relates to a similar situation with the gap between buildings for the appeal site being 137 metres, the PAC stated that this gap was not considered small but that it could accommodate more than two dwellings, it concluded that as a result the proposal failed to meet the second and third steps, the planning appeal was dismissed.

#### Further PAC decision 2017/A0096 states:

Whilst I accept that there is other development within the substantial and continuous built up frontage on wider plots the critical test in Policy CTY 8 pertaining to this appeal is whether the gap between buildings is sufficient only (my emphasis) to accommodate up to two houses. Notwithstanding that the appellant submitted a layout showing two dwellings located within the appeal site, as I consider that the 120m wide gap could readily accommodate up to three dwellings the proposal fails to meet this requirement of Policy CTY 8. The proposed development would add to the existing ribbon of development that defines this part of Flagstaff Road.

The fourth step of the infill policy in CTY 8 that must be considered is whether the proposal meets other planning and environmental requirements.

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is a relatively open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a prominent feature in the landscape. The site at present is open to views as the site lacks natural boundaries and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

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

As previously stated the site is on the edge of the public road and when cleared would be open and would require substantial planting to allow a dwelling to integrate and so any dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area and a dwelling on the site would create a ribbon of development along Glenmore Road. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

#### Area of Outstanding Natural Beauty

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

#### Access and Parking

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

#### 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 it fails to meet the provisions for an infill dwelling and would, if permitted, result in the creation of ribbon development along Glenmore 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 prominent and unable to provide a suitable degree of enclosure for a building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- 4,The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development

in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would 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: 26/08/2021

Authorised Officer: David Fitzsimon Date: 26/08/2021



Application Reference: LA07/2021/0040/O

Date Received: 22/12/2020

Proposal: Infill Dwelling and Garage

Location: Between No 5 & 7 Bog Road, Forkhill Newry Co Down BT35 9SZ

#### Site Characteristics & Area Characteristics:

The site is accessed via the Bog Road, Forkhill. The existing laneway also serves number 5 (located on the corner of this road and visible from the road) and number 7 (located at the end of the private laneway). The site outlined in red is overgrown grass land which sits at a lower level to the laneway. The laneway passes by on the western boundary of the site. There is an outhouse building present on site, within the red line of the site location plan.

The site is located outside any settlement limit as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The site lies within an Area of Outstanding Natural Beauty (AONB).

Site History: N/A

#### Planning Policies and Material Considerations:

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2 - Natural Heritage

#### Consultations:

Transport NI - Dfl Roads has no objections in principle to this proposal.

NI Water – Generic response to routine planning application.

NIEA - Water Management Unit and Inland Fisheries Water Management Unit refer the Planning Authority to DAERA Standing Advice.

#### Objections and Representations:

2 neighbours were notified of the proposal on 19/01/2021. The proposal was also advertised in local press on 19/01/2021.

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. 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.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The application site is located to the north of number 5 Bog Road and the outbuilding located within the red line. Number 7 Bog Road is located on the opposite side of the existing laneway to these buildings and to the application site.

Number 5 and this outbuilding have a frontage onto this laneway. However, there is no building to the north of the application site which shares the same frontage as these buildings to the south. The positioning of number 7 on the opposing side of the laneway means there is not a shared substantial and continuously built up frontage. There is not a small gap site present onsite, as there is no building located beyond the outbuilding from which to assess the gap. The proposal fails to meet the criteria for an infill opportunity, in that there is not a substantial and continuously built up frontage of at least 3 buildings, and there is no gap site. It is contrary to CTY 8.

The Planning Department have considered the information provided by the agent in email dated 09/03/2021 and the reference to Planning application reference LA07/2020/1033/F within this email. As outlined in the case officer's report for this application, all three buildings shared a common frontage with the site, creating a gap site. In the case of this application, there is no gap site available. It would be inappropriate to liken the circumstances in each of these cases and compare as the same.

#### 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.

A new building would not a prominent feature in the landscape, given the distance from the main road. The site has established natural boundaries which provide a suitable degree of enclosure for the building to integrate into the landscape. The proposal does not rely primarily on the use of new landscaping for integration. Ancillary works would integrate with their surroundings. The design of the building and the ability of the proposal to blend with the landform, existing trees, buildings, slopes and other features would be assessed at Reserved Matters.

#### CTY 14 - Rural Character

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

The new building proposed would not be unduly prominent in the landscape. The impact of ancillary works would not damage rural character.

The proposal adds to a ribbon of development along this laneway off Bog Road. The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings. It is therefore contrary to CTY 14 of PPS 21.

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

The P1 form indicates that foul sewage will be disposed of via septic tank. The application complies with Policy CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

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

#### Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, add to a ribbon development along the private lane to the north of No.5 Bog Road and does not represent an exception to policy.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would, if permitted, add to a ribbon of development along the private lane to the north of No.5 Bog Road, and would result in a suburban style build-up of development when viewed with existing and approved buildings along this private lane, which would result in a detrimental change to the rural character of the area.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and 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 15.10.2021

Authorised Officer: A.Davidson 15.10.2021



Application Reference: LA07/2021/0816/O

Date Received: 5/5/2021

Proposal: Proposed replacement dwelling to create an infill dwelling

Location: Adjacent to No. 10 Hillhead Road, Newry, BT35 8TN

#### Site Characteristics & Area Characteristics:









#### Site History:

No relevant planning history.

P/1988/0588- No. 10 Hillhead Road- Site for replacement dwelling- granted

P/1988/0949- No. 10 Hillhead Road- Site for replacement dwelling- granted

Approval notices checked the dwelling to be replaced was demolished to allow for the construction of no.10 Hillhead Road.

#### Policies & Material Considerations:

The Strategic Planning Policy Statement (SPPS)

The Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 3

Planning Policy Statement 15

Planning Policy Statement 21

#### Consultations:

DFI Roads - Additional amendments required and requested see report below

NIEA WMU- Standing advice- conditions and informatives

NIW- Statutory advice on single units

Rivers Agency- No objections. Site does not lie within 1 in 100yr fluvial flood plain or in 1 in 200yr coastal flood plain, FLD 2,3,4&5 n/a.

Environmental Health- No objections, consent to discharge required

NIE networks- No objections.

#### **Objections & Representations**

No. of neighbours notified= 6

Advert expiry= 2/6/2021

No. of representations received= 0

#### 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 of settlement development limits, in the countryside. There are no specific policies in the plan relevant to the determination of the application, so the application will be considered under the operational policies of the SPPS, PPS 3, PPS 15 & PPS 21.

Having considered the relevant policy contained within the provisions of the SPPS, the SPPS is less prescriptive on this particular planning matter than the retained policy, therefore the retained policy is afforded the determining weight in accordance with paragraph 1.12 of the SPPS.

The policy context is Planning Policy Statement 21 (PPS 21), given the sites position within the countryside. The application has been submitted for a dwelling and has been accompanied by a Design and Access statement. Within the contents of this statement the agent considers the site 'occupies what can be viewed as a small gap sufficient to accommodate only one dwelling when considering the existing pattern development, within an otherwise substantial and continuously built up frontage of more than 3 buildings'. The D&A also references an old stone dwelling house to the front of the site. The agent states, 'the roof has fallen in on this old dwelling and the applicant wished to remove this, however if the department felt that this should be possibly be retained for historical value, then this is something that maybe considered.'

Having considered the content of the D&A and the applicants proposal description, the Planning Department must consider the principle of development under both CTY 3-replacement dwellings and CTY 8-ribbon development.

Policy CTY 3 states 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.

Upon site inspection the building has all four walls substantially intact with 2 doorway openings; one in the front roadside elevation and one to the rear. The building has no roof covering but can be seen to have been single storey with a pitched roof. Internally the building is one single room in size. From external and internal inspection although all 4 external walls are substantially intact the building does not exhibit any of the essential characteristics of a dwelling.

I am not persuaded that the building to be replaced was ever a dwelling given its lack of characteristics as a dwelling.

The proposal principle of a replacement dwelling within the application is therefore not accepted.

Policy CTY 8 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. In addition to this the proposal must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meet other planning and environmental requirements.

A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

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.
- Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements
   (typically, integration and impact on rural character).

This approach will be followed below.



The application site lies between the residential dwelling no. 10 Hillhead Road to its northwest and outbuildings/yard to its southeast. No. 10 and the outbuildings both front onto the Hillhead Road. No's 12 and 14 all provide frontages onto the Hillhead Road. I am content that the this constitutes a substantial and continuously built up frontage and the first test is met.

The second question is whether this is a small gap also relates to the issue of plot size under the third test. As stated in the report above, there is an existing building positioned within the application site as shown on the site location plan above. As referenced within the proposal description and the D&A the applicant seeks to propose a replacement dwelling to create an infill.

As the proposal requires the demolition of this building to create a gap, it is considered that there is no existing gap. Policy CTY8 is clearly aimed at gap sites and the proposal does not qualify in the first instance. The gap must exist and not be artificially created. This has been previously ruled by the PAC as unacceptable (Appeal Re: 2014/A0076 and 2016/A0226).

The third test the proposed site also meets the development pattern criteria:

- SIZE & SCALE The existing buildings in this frontage in terms of size are a mix if single and two storey. It is considered that a two storey dwelling could be accommodated on the site without detriment to the character of the area.
- SITING The layout above indicates the dwelling sited facing onto the Hillhead Road.
   The siting is broadly in line with the existing development along the frontage.
- PLOT SIZE The plot width of 17 metres each is in keeping with the established development pattern being between the lowest and highest plot widths. The depth of the plot is also similar to no. 10 Hillhead Road.

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 must be assessed under policies CTY13 and CTY14 of PPS21.

As this is an outline application full details of the proposal have not been supplied. The site concept plan illustrates a dwelling to be positioned broadly in line with the building line of no. 10 Hillhead Road.

The site is relatively enclosed by the surrounding development and existing boundaries. It is considered that a dwelling appropriately conditioned and sited between the existing built development would not be a prominent feature in the landscape.

The development of this site will not result in a further build-up of the area or add/create a ribbon type of development given the existing building on the site. Development on this site will not cause the erosion of the rural character of the surrounding area.

The proposal must be considered against Planning Policy Statement 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 access will not prejudice road safety or significantly inconvenience the flow of traffic;
   and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The Planning system has an important role to play in promoting road safety and ensuring the efficient use of the public road network. New development will often affect the public road network surrounding it, and it is part of the function of planning control to seek to avoid or mitigate adverse impacts. In assessing development proposals, the Planning Authority will therefore seek to ensure that access arrangements for development proposals are safe and will not unduly interfere with the movement of traffic.

The application site is to be served by a shared access as indicated in the D&A. The P1 form refers to the applicants' intention to alter the existing access arrangements to No.10 Hillhead Road.

Dfl Roads in response to our consultation on amended plans have returned with the following:

Previous response as of 01/06/2021 still applies, Dfl Roads considers the application unacceptable as submitted. Insufficient detail is available on transportation issues. Should Planning Service be minded to progress the application towards an approval Dfl Roads require the following points to be addressed:

An amended 1:1250 scale location plan clearly showing all lands required to
construct the required sight visibility splays of 2.0m x 33m within the red line
taken to the edge of the public road

The proposal is considered contrary to Policy AMP 2 as the applicant has not demonstrated to the Planning Department of the Council that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic along the Hillhead Road despite opportunity to address this.

The proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Rivers Agency has confirmed that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.

The site is not within a fluvial or coastal floodplain. Policies FLD 1-5 are not considered applicable to this case.

#### Recommendation:

The application fails to meet planning policy requirements for the reasons set out above and for this reason it is recommended to refuse the application.

#### Reasons for Refusal:

- 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.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building does not exhibit the essential characteristics of a dwelling.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, there is no small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for NI and Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not demonstrated to the Planning Department of the Council that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic along the Hillhead Road.

Case Officer:		
Authorised O	fficer:	



Application Reference: LA07/2021/0816/O

Date Received: 05.05.21

Proposal: Proposed replacement dwelling to create an infill dwelling

Location: Adjacent to No. 10 Hillhead Road, Newry, BT35 8TN

# Addendum to Professional Planning Recommendation Report

Planning application reference LA07/2021/0816/O was recommended for refusal by the Council Planning Authority on the 17<sup>th</sup> September 2021 and subsequently published on the Councils weekly delegated list on the 20<sup>th</sup> September 2021 in line with the Council Operational Scheme of Delegation. The application was 'called in' on the 27<sup>th</sup> September 2021 by an elected member of the Council. The application was presented at the Call in Panel on the 5<sup>th</sup> October 2021 and was subsequently actioned to be brought before the Planning Committee.

The application was presented at the Planning Committee on the 17<sup>th</sup> November 2021 and deferred to allow the agent to resolve roads issues and for a site visit to be undertaken by councillors which took place on the 7<sup>th</sup> January 2022.

In the interim an amended site location map was submitted by the agent showing improvement of the access/ visibility splays and confirmation sought that no additional lands were required from 3<sup>rd</sup> parties to serve notice. Amended plans were forwarded to Transport NI on the 24<sup>th</sup> November 2021 and they responded on the 15<sup>th</sup> December 2021 confirming that they were now content with proposals and advised that the following planning condition be applied:

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

The Local Planning Authority have reconsidered this information and advise that refusal reason No. 4 which reads as:

The proposal is contrary to the Strategic Planning Policy Statement for NI and Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not demonstrated to the Planning Department of the Council that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic along the Hillhead Road.

This can no longer be sustained and has been removed as it is no longer relevant or applicable in relation to this application. However, the remaining reasons for refusal of the application remain valid and read as:

#### Reasons for Refusal:

- 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.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building does not exhibit the essential characteristics of a dwelling.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, there is no small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage.

Apart from refusal reason 4 having now been removed for the reasons set out above. The above application will progress to the next Planning Committee on the 9<sup>th</sup> February 2022 with an unchanged opinion to refuse.

P. Manley

25.01.22



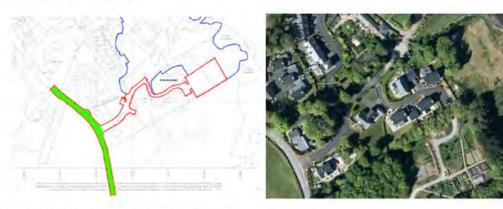
Application Reference: LA07/2019/1653/F

Date Received: 13.11.2019

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

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

Quarter View Strangford



#### Site Characteristics & Area Characteristics:

The application site is comprised of 0.43 hectare portion of land positioned to the rear and north-east of the residential development known as Ferryquarter. The site is accessed via the internal road serving Ferryquarter which has an entrance point on the Shore Road. The site is currently vacant from development and is noted to be immediately adjacent an area of communal open space for the existing development. Its topography slopes down in a south to north direction towards the shore.



The immediate character of the area is comprised of residential developments typically comprised of two-storey detached dwellings on mature plots. To the west of the site at Ferryquarter Gardens two-storey terraced dwellings are more typical.

The site is affected by HB18/08/133 - Stella Maris R C Church, Shore Road, Strangford, Downpatrick, Co.Down (Aka St. Mary's Or Star Of The Sea), a Grade B listed building of special architectural or historic interest.

The site is noted to be located within the settlement limit of Strangford. The sites lies adjacent but outside the Conservation Area of Strangford as designated in the Ards and Down Area Plan 2015. The site is also located within the Strangford & Lecale AONB.

#### Site History:

R/2015/0134/F - Lands approximately 100m east of Ferryquarter House Gate Lodge, 12 Shore Road, Strangford - Detached dwelling and garage, car parking, landscaping and associated site works - PERMISSION GRANTED - 17.11.2015

#### Relevant history within the vicinity of the site

R/2009/0821/F – Lands surrounding Ferry Quarter, 14 Shore Road, Strangford, Co Down - Erection of 10 dwellings, refurbishment of existing gatelodge, new access and ancillary site works. (Amended plans- amended house type location) -PERMISSION GRANTED 26.01.2011

R/2012/0131/F – Lands at Ferry Quarter House, 14 Shore Road, Strangford, BT30 7NL, - Change of house type G to housetype 'G1' from previous approval ref R/2009/0821/F including proposed garage, entrance details and all other associated siteworks, along with revised entrance to site incorporating turning head - PERMISSION GRANTED - 20.07.2012

R/2014/0173/F —Lands surrounding Ferry Quarter Shore Road Strangford - Erection of four detached dwellings with single storey garages carparking landscaping and ancillary development – PERMISSION GRANTED - 08.10.2014

LA07/2018/1626/F – Change of House type under previously approved application R/2014/0173/F to include a minor extension to the gable of dwelling and amendments to elevations - 2 Ferry Quarter View Strangford - PERMISSION GRANTED 05.03.2019

#### Planning & 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 2

Planning Policy Statement 3

- · Planning Policy Statement 6
- Planning Policy Statement 7

Planning Policy Statement 12

Planning Policy Statement 15

Creating Places and supplementary guidance.

#### Consultations:

Northern Ireland Environment Agency (NIEA) - No objections

Dfl Roads - No objections

DfC Historic Environment Division (HED) - No objections

Dfl Rivers - No objections

Northern Ireland Water (NIW) - No objections

Shared Environmental Services (SES) - No objections

## Objections & Representations

The application was advertised in the local press on 27.11.2019

The relevant neighbours were notified of the proposal on 19.11.2019 and again on 12.05.2020 following receipt of amendments.

48 objections have been received from 20 different addresses, along with a petition of objections and 10 letters of support for the proposal.

Summary of Issues Raised in the objections

- Road Safety
- Traffic
- Site History
- Sewage
- Scale of Development
- Environment nature Conservation & EIA
- Landscaping / Loss of Trees
- Overlooking / loss of privacy
- Impact on community
- Visual impact / Character
- Design
- Amenity and Open Space
- Flooding and Drainage
- · Site ownership / Accuracy of plans

The issues raised above will be discussed in the following consideration and assessment.

#### Consideration and Assessment:

#### **EIA Determination**

The proposed development falls outside Category 10 Schedule II Development as contained in The Planning (Environmental Impact Assessment) Regulations (NI) 2017. An EIA determination is not therefore required.

#### 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.

#### Ards and Down Area Plan 2015

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 Strangford.

#### SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which 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 Strangford 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.

#### PPS 7

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

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

Criterion (a) of Policy QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. The proposal is for 5 apartments contained within one building.

The character of the surrounding context is typically residential. Dwellings are positioned within an open plan setting, with an un-adopted road serving the dwellings. The dwellings within the development are noted to be of high quality and set within mature plots as shown below.



The proposal seeks approval for one building containing within it 5 apartments. Clearly this is a departure from the existing approved development within Ferryquarter, however, in principle, given the sites location within the settlement limit, it is not precluded.

In assessment of the context of the site, it is noted to be located at the natural end of the development, on a vacant plot which sits below that of the existing development and one which benefits from mature trees.

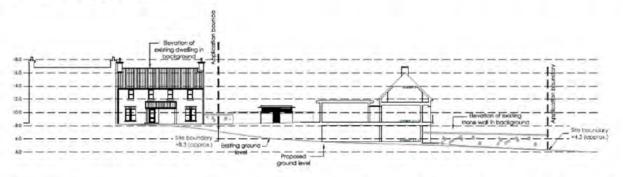


Views of the site are limited to those achieved at its immediate frontage and within the existing development and from longer distances at Shore Road and across the lough at Portaferry.

The proposed layout indicates that the building will be sufficiently separated from existing dwellings via the large parking and amenity to the front of the building.



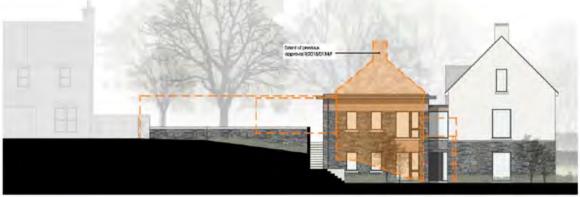
In terms of the topography the proposal will respect the low-lying nature of the development, by setting the development below that of the existing rather than rising the land as can be seen in the section drawing below.



In terms of scale, proportions and massing, the proposed is larger in its footprint and height, than that previously approved on site under planning application R/2015/0134/F. This aspect of the development features highly in the objections raised regarding the proposal, however, the increase in

its size is not considered detrimental to the character or context of the area. The images below show a comparison between the previously approved and that now proposed.





SOUTHERN ELEVATION

Clearly a larger building is now proposed and the massing and proportions have increased from that previously approved, however, an appreciation of this, is considered difficult to achieve from the critical views noted above.

In terms of appearance, the proposed elevation which will present internally to the Ferryquarter development is as shown below.

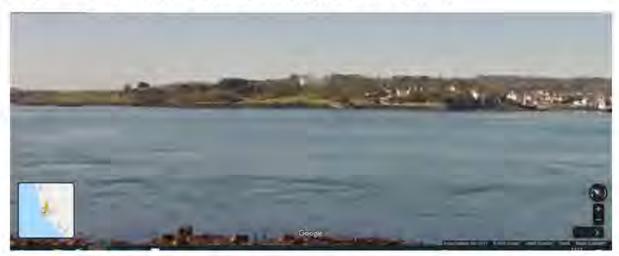


The apartments will be finished with a replica slate pitched roof, trocal flat roof (grey in colour); aluminium window frames and door frames (grey in colour); stone cladding where shown (brown/grey in colour); smooth render walls where shown (white/off-white in colour); select stone/brick walls where shown (grey in colour); board and batten cladding (larch or similar); precast concrete cills where shown; glass screens to balconies.

The building will have a maximum ridge height of 10.5m above finished ground level. When viewed from within Ferryquarter View, only the first and second floors will be visible from the street i.e. the upper 7.4m of the building. No 5 Ferryquarter View is noted to have a maximum ridge height of 8.4m when measured from the street.

The design of the building, is not a replica of that in the immediate vicinity. The guidance document Creating Places encourages variety in developments, stating in paragraph 3.32 that an even distribution throughout the layout of developers' standard ranges of dwelling designs should be avoided and in paragraph 3.38 that wherever possible a mix of dwellings types should be provided.

When viewed from the lough or indeed Portaferry as the street view image below shows, the development will be integrate into the landscape, given its mature setting.



Overall it is considered that the development respects its surrounding residential context and is appropriate in character layout proportions and massing to the character of the area. Finishes are appropriate the for the area.

(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 application affects HB18/08/133 - Stella Maris R C Church, Shore Road, Strangford, Downpatrick, Co.Down (Aka St. Mary's Or Star Of The Sea), a Grade B listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

In assessment of the proposals impact on this feature, the Planning Authority consulted with Historic Environment Division (Historic Buildings) which advised that the proposal complies with SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Buildings) noted that the is separated from the listed building and screened by mature planting. They consider the proposal does not represent a demonstrable negative impact on the listed asset.

In consideration of the historic monuments in the area, HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. They also advise that the application site has previously been subject to archaeological testing.

In consideration of landscaping. The Planning Authority are aware that there are a number of TPO trees within the vicinity of the site. Objections raised at the outset of this application raised concern regarding the loss of these trees. The application as now assessed, has been amended from that initially submitted and it is noted that all trees within and adjacent the site are to be retained and protected from development.

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

Creating Places advises in paragraph 5.20 that in cases of apartments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10-30sqm per unit. The appropriate level of provision should be determined by having regard to the particular context of the development.

The proposal provides each of the lower ground and ground floor apartments with a 8sqm private balcony area and the first floor with 2 x 8sqm private balconies all of which will overlook the rear of the site and out to the lough to the east. In addition, the lower ground and ground floor apartments have been provided with small amenity areas on approach to their respective entrances.

All of the apartments could avail of 'Rookery View' a communal viewing and amenity area adjacent the site.

The development has also been provided with a designated area for bins to the front of the building in the car parking area.

It is considered that a good mix of private amenity space has been provided within the scheme and it complies satisfactorily with the guidance set out in 'Creating Places'.

In consideration of landscaping, the plans indicate that the existing wall to the south of the site will be retained as will those existing trees adjacent and within the site – see site layout plan 2888-050-04-06-003 Rev B. Within the development new planting is proposed along the boundaries of the car parking / bin area which will soften its appearance. This area will however, be screened from view by a 1.8m high stone wall with pillars as detailed on Drawing No 2888-050-04-06-004 Rev B.

Details of the proposed planting and indeed how such amenity areas are to be managed and maintained are not currently with the Planning Authority. It seems entirely appropriate therefore to negatively condition the submission of this information before development commences on site.

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

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Strangford. Adequate provision has been provided for bin storage and a bin collection point has been provided closer to the entrance of the Ferryquarter development.

 (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 accessed directly onto the public footpath within the village. Public transport is readily available.

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

Creating Places indicates that 2 bed apartments require 1.5 spaces if unassigned. This development of 5 apartment therefore requires 7.5 spaces. 8 car parking spaces have been provided in a designated area specifically for the residents of this development. This will ensure that residents can conveniently park at their development and not impinge on neighbouring properties. This is particularly important given the open plan nature of Ferryquarter. In addition, residents will be able to adequately surveillance their vehicles from their properties.

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

Those dwellings at Ferryquarter view display a relatively traditional and simple form as shown in photos above. The proposed apartment building is a more modern variation as detailed above.

As discussed above the design of the building is considered to be in keeping with the area and is respectful of the traditional and listed buildings within the immediate vicinity of the site.

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

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

The proposal has been assessed against Creating Places: Achieving Quality in Residential Environments. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties.

The dwellings closest to the proposal are those at Nos 3 and 5 Ferryquarter View. The proposal is located from these properties (at its nearest point) 31m and 18m respectively. Given these separation distances, the orientation of the existing and proposed, and the amended design, it is considered that the proposal will not have an unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise of other disturbance.

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

The layout has been designed so as not to lead to an unsafe environment for residents.

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

#### 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 while higher than that found in the established residential area is appropriate to its setting in this settlement location
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area as discussed under PPS7;
- (c) All 5 apartments comprising 2 bedrooms each are to be built in adherence to the details as set out in Annex A.

## PPS3 - Access / Movement and Parking

The proposal seeks to utilise the existing access onto Shore Road.

Many of the objections raised the issue of road safety, with a number residents carrying out their own Transport / Traffic assessment of the site.

In assessment of the issue, a lengthy consultation process has been carried out with DfI Roads.

Through the processing of this application, it has been possible for the developer to agree with Dfl Roads, the adoption of the first 50m from the entrance point on Shore Road into the development. This aspect of the proposal will provide residents of the entire Ferryquarter development with the benefits which come with road adoption, in particular a bin collection service and issue which is been most concerning for many of the residents.

The concerns raised about the absence of footpaths and speed of traffic travelling though the development have been noted and considered.

DfI have concluded however that the proposal meets PPS3 and DCAN15 requirements, subject to attached conditions. The parking as discussed under PPS7 is acceptable to DOE Parking Standards.

#### 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'.

#### PPS 2 - Natural Heritage

Policy NH1 of PPS2 - European and Ramsar Sites

The site is approximately 10m from Strangford Lough Special Area of Conservation (SAC), Area of Special Scientific Interest (ASSI), Special Protection Area (SPA) Ramsar site and Marine Nature Reserve (MNR).

In assessment of the above the Planning Authority consulted with Shared Environmental Services (SES).

SES have advised that 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.

Policy NH 2 Species Protected by Law

In assessment of the above, the Planning Authority consulted Northern Ireland Environment Agency: Natural Environment Division (NIEA:NED). NED note that the application site is approximately 0.24 hectares in size and comprises part of an amenity grassland area with hedgerows and mature trees.

The surrounding area is noted to contain substantial areas of woodland and gorse scrub with agricultural fields with hedgerows to the south. The important coastal habitats of Strangford Lough lie immediately adjacent to the east of the site. NIEA:NED consider however that the site, has limited biodiversity value as it consists of non-native hedgerows and trees, including mature or semi-mature beech trees, other immature trees, semi-improved and amenity grassland.

The Ecological Statement states that no NI priority habitats are located within the application boundaries.

The site is approximately 10m from Strangford Lough Special Area of Conservation (SAC), Area of Special Scientific Interest (ASSI), Special Protection Area (SPA) Ramsar site and Marine Nature Reserve at its closest point and there is some potential for pollution from the development reaching the designated sites. However, NED notes that foul sewage from the development will be disposed of via the mains network and providing all construction works follow the appropriate guidelines for pollution prevention NED considers there are unlikely to be any significant effects on the designated sites from polluted run-off. NED also considers that any additional disturbance to the designated sites' features, such as breeding and wintering birds, is likely to be negligible.

NED notes that Letters of Representation raising concerns about otter on the site, they note that the Ecological Statement records that no sites of refuge or field evidence of the presence of protected mammals was found and consider that while otters may be using the surrounding area for foraging and commuting it is very unlikely that otter holts or resting places occur close to the site.

All trees on site are proposed to be retained. NED is satisfied that bats are therefore unlikely to be impacted by the proposal.

Light spill from the proposal may have an adverse impact on otters and bats using the site and surrounding area for foraging and commuting. If external lighting is proposed for the site NED recommends that an appropriate wildlife friendly Lighting Plan is submitted to the Council for agreement. NED also recommends that during construction, no site operations should be undertaken during the hours of darkness. This will ensure that the area remains viable for commuting and foraging otters and bats.

On the basis of the above assessment, it is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that;

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

- 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
- it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it complies satisfactorily with the requirements of Policy NH 6.

#### PPS 6

As detailed in criteria B of Policy QD1 of PPS 7, the impact of the proposal of historic buildings and monuments has been assessed in full. Both HED Buildings and Monuments have advised the planning authority that the proposal complies satisfactorily with the requirements of the SPPS and PPS 6.

The site is affected by LLPA 1 Church, Rectory, The Lodge and associated grounds as identified in the Ards and Down Area Plan 2015. This area has been designated due to the following

- Prominent listed Stella Maris RC Church and surroundings on southern coastal edge of Strangford which are visually significant in views of from the Lough and Ards Pennisula and a good entrance feature into the village
- Substantial locally important dwelling "The Lodge" and its landscaped surroundings containing a series of associated dwellings within distinctive character – The Watch House and a small gate lodge
- Considerable amount of woodland within the original grounds of The Lodge and new plantations to the south; and
- Important mature trees within attractive walled grounds surrounding rectory on opposite side
  of the road

In light of the context of the site, its position within an existing residential development which has been constructed in recent times, along with the site history of this specific site and the comments from Historic Environment Division, it is considered that this proposal would not have a detrimental impact on the LLPA. Development has been previously approved on site and the proposal is considered to be sufficiently removed from the church not to represent a demonstrable negative impact on this listed asset.

#### PPS 15

In assessment of the proposal against the above policy, the Planning Authority consulted with Dfl Rivers to ascertain any potential flood risk to the proposed dwelling or surrounding area.

Dfl Rivers have advised the Planning Authority that policies FLD 1 and 3 are applicable to this site which deal with Development in Fluvial and coastal Flood Plains and Development and Surface Water respectively.

In consideration of FLD 1 Dfl Rivers have indicated that The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain but is in close proximity to the 1 in 200 year coastal flood plain which has a level of 3.71mOD at this location. Dfl Rivers recommend that any new development be allowed an additional freeboard of 600mm. In assessment of the plans it is noted on the site section drawing 2888-050-04-06-005 Rev B that the site boundary has a level of +4.3m. the site is noted to slope further upwards and therefore the proposed building will sit above the recommended freeboard of 4.31m

In assessment of FLD3 - Development and Surface Water - Dfl Rivers has reviewed the submitted Drainage Assessment and while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.

On this basis therefore, it is considered that the proposal complies satisfactorily with the requirements of PPS 15.

#### PPS 11

Northern Ireland Water (NIW) has advised the Planning Authority that the site is also located within a development consultation zone in proximity to the WwTW and there is a possibility of nuisance from odour and / or noise.

Policy WM 5 of PPS 11 states that proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:

- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

It is noted that the WwTWs is located 150m from the site with intervening development between it and the site. In addition, the site has been previously approved for development under R/2015/0134/F. It is noted that neither NIEA nor SES raised any issues regarding the sites proximity to the treatment works.

Given the context of the site and the length of time the application has been with the Planning Authority, NIW have agreed to set this issue aside. This does not however set a precedent for future applications and any new application would be required to carry out an odour impact assessment.

#### Other Matters

Objectors have questioned the ability of the sewage network to cope with the development. In assessment of this NIW have advised the Planning Authority that the receiving Wastewater Treatment Works at Shore Road has available capacity for this development. NIW also advised that the public

water, foul sewer and surface water sewer are within 20m of the site. The developer is advised to liaise with NIW to agree connection to these networks.

Objections have been raised regarding the impact of the proposal on the local community. While it is acknowledged that an additional 5 units in this development is opposed by many of the residents of Ferryquarter, it is considered that given the amendments made to the layout and design of the proposal, along with the provision of a bin collection point and adoption of the first 50m of the entrance road to the development, that many of their concerns, particularly regarding road safety have been alleviated. It is considered that the assessment above, addresses those concerns relating to the impact of the proposal on their privacy / amenity, the natural heritage of the area and the concerns regarding flooding / drainage. All statutory consultees have responded positively to the proposed development.

The approval of this scheme will undoubtedly result in a change for those residents living close to the site, however, it is considered that the building now proposed, albeit containing more units than the single dwelling previously approved, would not have significant detrimental impact on them.

The issue of site ownership and accuracy of the plans, has been addressed by the applicant, with the submission of revised plans, omitting any previously included land which was outside the applicants control.

#### Summary

On balance and taking into account the objection letters it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.

#### Recommendation: APPROVAL

#### Drawings

The drawings considered as part of this assessment are as follows

- Location Plan 2888-050-04-06-001 LP Rev E
- Site Survey 2888-050-04-06-002 Rev B
- Site Layout 2888-050-04-06-003 Rev B
- Comparison Drawing 2888-010-10-01-006 Rev L
- Elevations & Floorplans 2888-010-10-01-001 Rev L
- Elevations 2888-010-10-01-002 Rev L
- Boundary Treatment 2888-050-04-06-004 Rev B
- Site Sections 2888-050-04-06-005 Rev B
- Bin Storage 2888-050-04-06-008 Rev D
- Private Streets Determination C1001 Rev B

#### Conditions

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

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

 The development hereby permitted shall take place in strict accordance with the following approved plans: 2888-050-04-06-001 LP Rev E, 2888-050-04-06-002 Rev B, Site Layout 2888-050-04-06-003 Rev B, 2888-010-10-01-006 Rev L, 2888-010-10-01-001 Rev L, 2888-010-10-01-002 Rev L, 2888-050-04-06-004 Rev B, 2888-050-04-06-005 Rev B, 2888-050-04-06-008 Rev D, C1001 Rev B

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. C1001 Rev B bearing the date stamp 21 May 2021

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

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

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

No unit shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per unit. The parking spaces shall be available for vehicle parking at all times thereafter.

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

6. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and approved by the Dfl Roads Street Lighting Section. The approved Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implements as directed by the Dfl Roads Street Lighting Section. (These works will be carried out entirely at the developer's expense)

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

7. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval. Development shall take place in accordance with the approved details.

Reason - To safeguard against flood risk to the development and elsewhere:

8. No works, including vegetation clearance, shall take place between the 1st of March and 31st of August inclusive, unless a suitably competent and experienced ecologist has undertaken a detailed check for active bird's nests in the hedgerows and trees, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such

written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

There shall be no works carried out during the hours of darkness (between sunset and sunrise).

Reason: To protect bats and otters foraging at sunrise and sunset in areas near the site.

All services within the development should be laid underground.

Reason: In the interests of visual amenity

11. No unit hereby permitted shall be occupied until a scheme of foul and surface water drainage works on-site and off-site have been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter.

Reason: In the interest of public health and to safeguard the site and adjacent land against flooding and standing water.

12. Prior to the commencement of development, the developer shall submit to the Council for approval a landscape management and maintenance plan. The plan shall show all existing trees shown on Drawing Number 2888-050-04-06-003 rev B, as being retained and protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

The plan shall provide details of the location, numbers, species and sizes of trees and shrubs to be planted within the site and set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space.

The scheme of planting as finally approved shall be carried out during the first planting season after the development is occupied and the landscape management plan shall be carried out as approved.

No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

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

13. 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.

Case Officer: C Cooney Date: 07.10.2021

Authorised Officer: A.McAlarney Date: 11 October 2021

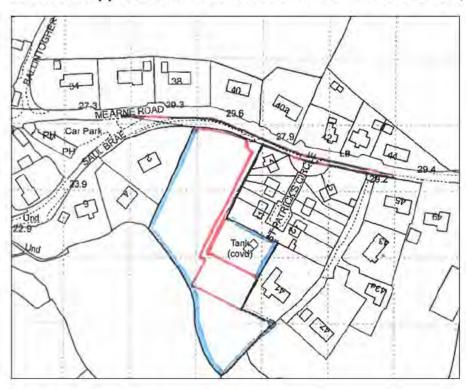


Application Reference: LA07/2020/0653/O

Date Received: 28/05/2020

Proposal: Dwelling and garage

Location: Approx. 40m South west of 11 St. Patrick's Circle, Saul, Downpatrick



# Site Characteristics and Area Characteristics:

The application site comprises a regularly shaped plot which sits to the south east of no. 11 St Patrick's circle which is a small cul-de-sac. Between the proposed site and the cul-de-sac is a large concrete septic tank. The land to the south of the site is open field which decreases in level before rising again. The proposed stretch of land where the access route would be runs along the back of the western side of the cul-de-sac

and is on higher land than their rear gardens. The land level decreases down towards the Mearne Road.

Part of the site is located within the settlement of Saul and also lies within the AONB. The portion of the site comprising the proposed access is outside the settlement limit of Saul and therefore lies in the countryside.

# Site History

No recent or relevant planning history

# Planning Policies and Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and in addition to this is also considered against:

SPPS

PPS3: Access, Movement and Parking,

PPS7: Quality Residential Environments,

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas,

DCAN 8: Housing in Existing Urban Areas.

#### Consultations:

DFI Roads - DFI Roads offer no objections in principle to this proposal subject to compliance with RS1 form.

NI Water – generic response

#### Environmental Health -

Environmental Health have no objection in principal to this application but note that this application is sited adjacent to an existing septic tank. There is no information to advise if this septic tank is operational, if it is the application site may have an impact on any soakaway coming from the tank during the development of the site as disruption of any existing soakaway will have an adverse impact on the proposed development and on the adjoining residential properties. The applicant should be asked to provide information as to how they intend to protect the soakaway during and after the construction is complete, should planning permission be granted.

# Objections & Representations:

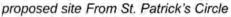
The application was advertised in the local press on 10/06/2020 which expired on 24/06/2020 and neighbour notification issued on 29/05/2020 expired on 12/06/2020. An additional neighbour was identified and notified on 16/06/2020 which expired on 30/06/2020. To date there have been 6 representations received from 4 addresses.

Objection is raised on the following grounds:

- Access road would run along the rear of a number of properties on a high level
   would result in a loss of privacy to rear windows of properties
- The proposed access onto Mearne Road would be unsafe.
- Works could damage the adjacent septic tank or soakaways which are already in poor working order and working at maximum capacity
- This field is the only remaining green space in the hamlet
- It would make more sense for the proposed dwelling to extend off the existing access rather than creating a new access.
- The proposed dwelling is in the settlement of Saul, but the access proposed is outside the settlement and would therefore be in contravention of planning policy
- The proposed dwelling would sit directly in front of my lounge windows and would reduce my light. I would ask that any dwelling approved would be no more than single storey.

## Consideration and Assessment:

Outline permission is sought for the erection of a dwelling and garage. The proposed dwelling would sit some 40m to the SW of no. 11 St. Patrick's Circle, where the septic tank would sit between the two. The access serving this property would run along the back of the gardens of no's 11-1 (odd numbers) St. Patrick's Circle, on a significantly higher level before decreasing in level down to join Mearne Road.





View to proposed access onto Mearne Road



View over site with no. 41 Mearne Road beyond.



proposed access route viewed from Mearne Road



The application site lies within the settlement of Saul, however the access for the site would lie outside the settlement limits. As this application site straddles both the settlement limit and countryside, the proposal will be assessed under a range of policies as stated below.

# PPS7: Quality Residential Environments

The footprint of the dwelling will be sited within the settlement limits of Saul and as such will be assessed under Policy QD 1 - Quality in New Residential Development, of PPS 7.

Policy QD 17 asserts that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It further states that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. Finally, the proposed development must respect the surrounding context and should be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.

The proposed dwelling and garage would sit to the SW of the Cul-de-sac - St. Patrick's Circle, separated by a portion of field occupied by the concrete septic tank. While this is an outline application only, lacking any detail, officers consider that the size of the proposed site would be in keeping with the surrounding plot sizes. Following a site inspection, it was noted that the prevailing house type in the wider area is chalet bungalow, aside from the cul-de-sac itself which contains terraced two storey dwellings. Officers do note however that it is not typical for single dwellings in the surrounding area to be so set back from the road, or to be served by a private access lane.

The footprint of the house and garage would be on a lower level than the the dwellings on St Patrick's circle and while the proposed siting would not be highly visible from Mearne Road given that it would be screened by the development in the Cul-de-sac, the site would be highly visible in views from Slievegrane Road to the SW of the site which is the most critical viewpoint of the site. from this view, the dwelling would sit well into the field with an extensive driveway serving it.

It is considered the dwelling proposed dwelling could have sufficient garden and private amenity space, similar to the immediate area. There would be sufficient separation distance between the proposed dwelling and the existing surrounding, to ensure there would not be harm on these occupiers by way of overbearing impact, loss of light, outlook or privacy. While no plans have been submitted to show the proposed style of dwelling or window placements, officers consider that a chalet bungalow house style would be visually acceptable within the character of the area and surrounding style of dwelling.

There would not be any harmful impact upon features of the natural environment. The whole site is part of a larger field and there would not be any need to clear away trees or vegetation to facilitate the creation of the site.

## PPS12: Housing in Settlements

Planning Control Principle 2: Good Design requires all new housing developments to demonstrate a high quality of design, layout and landscaping.

As discussed above this application is for outline permission only and as such no details have been submitted however high-quality design layout and landscaping would all be sought at RM stage.

# PPS 21 - Sustainable Development in the Countryside

Planning Policy Statement restricts new development in the countryside. The proposed access must be assessed under the provisions of CTY 1, CTY 13, CTY 14 and CTY 15 given that it is locate outside the settlement limit of Saul.

CTY 1 restricts development in the Countryside. As the proposal is for a residential dwelling, the access arrangements are considered ancillary to residential development. CTY 1 states that there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. However, in the case with this application, the planning department conclude that the access arrangements are ancillary to the dwelling, therefore must be considered a residential development.

The proposed access serving the dwelling would rise up to run along the rear of St Patrick's Circle before lowering in level and joining Mearne Road. Officers do not see reason for there to be a separate access serving the dwelling especially considering the presence of an access which serves St Patrick's Circle which could presumably be extended to serve this property without need for development outside of the settlement limit. Officers therefore consider that there is no clear overriding reason why this development is essential in this rural location and could not be located within the settlement. The proposal is considered contrary to CTY 1.

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. The department considers that proposed ancillary works namely the driveway (100m long) fails to integrate with its surroundings, given that it would be on a higher land level and therefore evident when travelling along Mearne Road, is considered contrary to CTY 13. It combined with the dwelling would also be highly visible in views from Slievegrane Road to the southwest of the site.

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. The proposal must respect the traditional pattern of settlement exhibited in that area. The department is concerned with the proposed length of the driveway (100m) which is significantly longer than the setbacks of neighbouring dwellings (outside settlement limit). Furthermore, the impact of ancillary works, will damage the rural character. The proposal fails to respect the traditional pattern of settlement exhibited in that area and will damage the rural character, as such, is contrary to CTY 14.

Policy CTY 15 states that permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As the proposal straddles across both the settlement limit and countryside, when travelling along Mearne Road, the development mars the

distinction between a settlement and the surrounding countryside and is therefore contrary to the aims of CTY 15.

# PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) Policy NH 6- requires that the siting and scale of new development within a designated AONB must be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. Given the length of the proposed driveway, the scale is considered un-sympathetic to the particular locality.

# PPS 3 - Access, Movement and Parking

DFI Roads were consulted, responding with no objections to this proposal, subject to the access being constructed in accordance with the RS1 form attached. In view of this officers consider access arrangements to be acceptable with regards to Policy PPS 3 despite them not being in accordance with the guidance of PPS 21.

## Recommendation:

Refusal is recommended

#### Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS)
  and Policy CTY1 of Planning Policy Statement 21 (PPS) 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.
- The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, the ancillary works do not integrate with their surroundings.
- The proposal is contrary to policy NH-6 of PPS2 as that it would not be sympathetic to the special character of the Area of Outstanding Natural Beauty.
- 4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Saul and the surrounding countryside resulting in Urban Sprawl.

Case officer: Jane McMullan

Authorised by: David Fitzsimon

Date: 10/09/2021



Application Reference: LA07/2021/1041/O

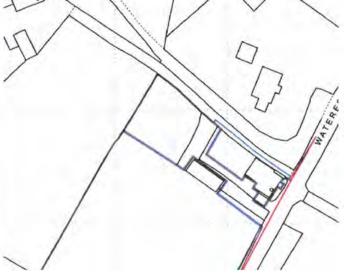
Date Received: 03/06/2021

Proposal: Dwelling and detached garage with associated site works, including

improvements to existing vehicular access

Location: To the rear of 9 Wateresk Road, Dundrum

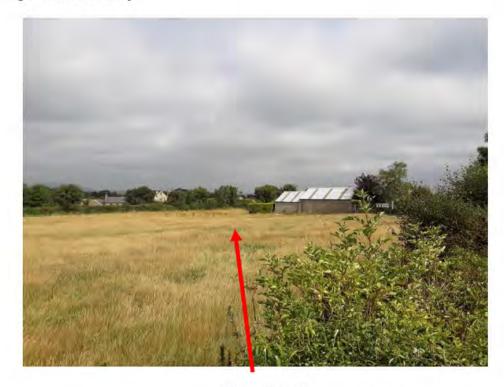




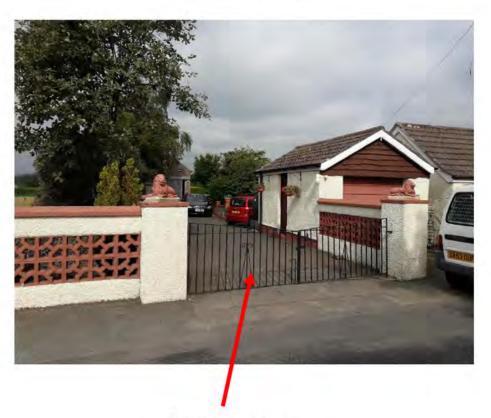
## Site Characteristics & Area Characteristics:

The lands outlined in red form an irregular shaped plot, with the bulk of land located to the rear of no. 9 Wateresk Road. This site comprises the existing access and yard that serves no. 9 and portion of an open agricultural field. The field is a maintained condition, resting at a similar level to the adjacent road, and has a strong boundary treatment to the north and west. There is no defined southern and eastern boundary. A laneway runs adjacent to the northern boundary, which serves a neighbouring dwelling.

The application site is located outside any settlement development limits as designated with Ards and Down Area Plan 2015. The area is of typical rural character and predominately agricultural use, located just outside designated Area of Outstanding Natural Beauty.



Subject lands



Proposed site access

# Site History:

R/2013/0375/F - Lands 40m NW of 9 Wateresk Road, Dundrum, Co Down.

Proposed house and garage on the farm for a family member. Permission refused.

R/2006/0550/O - Adj 9 Wateresk Road, Dundrum - Site for dwelling - Planning appeal dismissed.

R/2002/1607/O - Adjacent to No 9 Wateresk Road, Wateresk, Dundrum, Northern Ireland, BT33 0NL - New dwelling - Planning appeal dismissed.

R/2002/0455/O - Adj to 9 Wateresk Road, Dundrum - New dwelling - Withdrawn - 27.11.2002.

# Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking AMP 2 - Access to Public Roads

PPS 21 - Sustainable Development in the Countryside

CTY 1 - Development in the Countryside

CTY 8 - Ribbon Development

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY 14 - Rural Character

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

#### Consultations:

NI Water - Generic Response.

Dfl Roads – No objections subject to access being constructed in accordance with RS1.

## Objections & Representations:

5 Neighbours within close proximity of the site were notified on 03/08/2021 (3 of which have been return as no such address). This application was advertised in the local press on 16/06/2021. No written objections or representations have been received.

## Consideration and Assessment:

The application submitted is seeking outline planning permission for Dwelling and detached garage with associated site works, including improvements to existing vehicular access, in the countryside. The SPPS along with PPS 21 provide the relevant planning context for determining this application.

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 Ards and Down 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 in open countryside. 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 PPS21.

# PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 identifies a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

# Policy CTY 8

Policy CTY 8 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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 a substantially and continuously built up frontage. This policy requires four specific elements to be met, the gap site must be within a substantially and continuously built up frontage, the gap must be small, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met. The policy defines a substantial and built up frontage as a line of three or more buildings along a road frontage within accompanying development to the rear.

Whilst no planning statement has been submitted, based on the submitted indicative site layout, the agent considers that the site is such a gap site for two dwellings, falling within a substantial and continuously built up frontage and suitable for a dwelling. CTY 8 requires a line of 3 or more buildings along a frontage without accompanying development to the rear is required. For the purposes of CTY 8, a building has frontage to the road if the plot on which it stands, abuts or shares a boundary with the road.

The Planning Department accept that on the ground dwelling No. 9 Wateresk Road and associated barn immediate south west have frontage onto both the laneway and the Wateresk Road. The building to the immediately south of no. 11 also is considered to present a frontage on the laneway. The proposal therefore meets the definition of an otherwise substantial and continuously built up frontage.

The size of the gap is approximately 84m. The proposed frontage of the site measures approx. 37m. The size of the gap is such that it can only accommodate 2 dwellings. Whilst it is concluded that the proposal is a gap site, substantial enough in

size, scale and plot size to accommodate a maximum of 2 dwellings it must still meet other planning and environmental requirements.

In consideration of whether the gap site respects the existing development pattern along the frontage, the buildings making up the frontage all access onto the laneway, the proposal is for access onto Wateresk Road utilising the existing access at No.9 Wateresk Road, the gap site is not therefore respectful or in keeping with the pattern of development found along the common frontage and therefore fails this element of policy.

Improving Health and Well-Being is a core principle of the SPPS and paragraph 4.12 seeks to Safeguard Residential and Work Environs. By granting permission for the access arrangements proposed, would be at odds with the SPPS, as it will have adverse impacts on the amenity and living conditions of No.09 Wateresk Rd, by virtue of an increased nuisance caused by the increased traffic movements and general everyday activity so close to the existing dwelling. Case Officers note that whilst No.09 has not expressed any concerns with the scheme, the Council must preserve the amenity of future residents at this property.

## Policy CTY13

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 it is of an appropriate design. This is an outline application, and whilst design details are usually reserved, the agent has submitted an indicative site layout drawing. The proposed dwelling and garage will be accessed via the existing access and drive which serves the dwelling no. 9 Wateresk Road. The driveway to serve the proposal will transect through this existing driveway and associated curtilage. In terms of visual integration, 2 dwellings on the gap site and the proposed access arrangements, through No.9 Wateresk Rd, could be satisfactorily accommodated in the landscape.

## Policy CTY14

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 the area. As already stated the proposal does not find comfort in CTY8 in that the proposal does not respect the existing development pattern along the frontage. Therefore, the proposal would erode rural character.

## Policy CTY 16

CTY 16 ensures that new developments will not create or add to a pollution problem. There would be sufficient room within the land in red for a septic tank and soakaways. The proposal appears to conform to Policy CTY 16.

## PPS 3 - Access, Movement and Parking

Dfl Roads were consulted as part of the assessment of this application. In a response dated 04/08/2021, Dfl Roads have no objections to the proposal with regard to the above policy criteria subject to access being in accordance with the RS1 form. The proposal can accommodate adequate curtilage parking

#### Recommendation:

Refusal

#### Refusal Reason:

- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed layout and access arrangements would not respect the existing pattern of development within the immediate locality.
- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements which would serve the proposed dwelling would unduly impact on the amenity and privacy enjoyed by the occupiers of the existing dwelling at No.09 Wateresk Road due to noise and disturbance.
- 3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer: S. Maguire Date: 15/10/2021

Appointed Officer: A.McAlarney Date: 15 October 2021



Application Reference: LA07/2020/1866/O

Date Received: 10.12.2020

**Proposal:** The proposal is for a new dwelling with associated detached garage and site works.

Location: The site is located between 78 and 80 Old Park Road, Drumaness.





#### Site Characteristics & Area Characteristics:

The site in question is cut out of a larger agricultural field located off the Old Park Road, just outside Drumaness. The site itself is grassed agricultural lands that slope from the north of the site to the south of the site. There are defined boundaries to the North, East and South of the site, the northern and southern boundaries are boundaries with existing properties no 80 and 78 Old Park Road, the northern boundary has a post and wire fence with mature trees along the boundary. To the south of the site is a mature hedge row and a water course and to the east of the site is a low planted hedge and stone wall mix. The western boundary of the site is not defined.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located in the rural area along Old Park Road and the only constraints identified on the site were fluvial flood zones and surface water flood zones and fresh water feature at the bottom portion of the site. There is a stream that runs along the bottom portion of the site.





#### Site History:

R/1991/0953 - Between 72 and 80 Old Park Road, Drumaness, dwelling, refusal.

R/1993/0388 - Between 72 and 80 Old Park Road, Drumaness, bungalow, granted.

R/2005/0256/O - opposite 83 Old Park Road and 200m to rear of 78 Old Park Road, Drumaness, erection of single dwelling and garage accessed from Old Park Road, refusal.

R/2004/1573/O – 140m E of 79 Old Park Road, Drumaness, erection of single dwelling located 140m back from road with access via existing laneway, refused 03.05.2006 appeal upheld 05.08.2008

R/2011/0419/RM - 140m to east of 79 Old Park Road, Drumaness, dwelling, granted, 15.05.2012.

### Planning Policies & Material Considerations:

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 15 Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
  - Policy CTY 1 Development in the Countryside
  - Policy CTY 8 Ribbon Development

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

#### Consultations:

NI Water was consulted in relation to the application and has responded with no objections.

DFI Roads responded to consultation and stated that splays of 2.4m by 80m would be required at this location. Additional consultation was carried out following the submission of additional information and no further objections raised.

Rivers Agency was also consulted and advised that a Flood Risk Assessment would be required if the application was deemed to be an exception. Rivers also advised that further consultation be carried out in relation to the proposed soakaways. The agent submitted additional information to demonstrate the provision of a dwelling and access within the site but outside the area of flooding therefore a FRA was not required and the application did not have to be considered an exception. Rivers Agency has no objections in principle to the proposal.

## **Objections & Representations**

In line with statutory requirements the application was advertised in the local press being the Down Recorder on 13.01.2021 which expired on 27.01.2021 and 5 neighbours were notified of the application on 11.01.2021 which expired on 25.01.2021 and to date there have been no representations received in relation to the proposal.

#### Consideration and Assessment:

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of infill/ribbon development the policy is broadly consistent with those set out in PPS21.

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. One such instance is a replacement opportunity in accordance with Policy CTY 8 of PPS 21 Ribbon Development

CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided that it respects the size, scale, siting and plot size. For the purposes of this policy definition of a substantial and built up frontage includes a

line of three or more buildings along a road frontage without accompanying development to the rear.

The agent has indicated on drawing no P-02 the buildings that are considered to constitute a substantial and continuously built up frontage and this includes the properties known as 80, 78, 76A and 76 Old Park Road. Property no 76A is set back from the remainder of the mentioned dwellings and while there is an access to the dwelling from the road it is fenced in a poorly maintained stock proof fence and the grounds to either side are clearly grazed rather than maintained as a manicured garden. Towards the house is a planted boundary that appears to define the curtilage of the dwelling known as no 76a and it does not adjoin the road therefore it is not considered that there is a substantial and continuously built up frontage as the gap here constitutes a break in the frontage. No 80 and no 78 are the only two buildings that can be considered to adjoin the road. Policy stipulates that for the purposes of the policy a substantial and built up frontage would include a line of 3 or more buildings along a road frontage. The property known as no 80 does have a detached garage but given the siting of the garage and its position in relation to the main dwelling and also taking into consideration the low level of appreciation of a separate building at this location it is not considered that the garage has enough standing to be considered as a third frontage building. The site would, if permitted, create a ribbon of development along the Old Park Road and therefore is not considered acceptable.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside and CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Planning permission is unacceptable where:

## A) It is a prominent feature in the landscape

A suitably designed dwelling at this location could be absorbed into the landscape although it is noted that the dwelling has to be located to the north western part of the site as part of the site is constrained by the river and fluvial flooding. The site does slope and in order to accommodate the dwelling cutting in will likely be a requirement. It is considered that a dwelling could be accommodated on the site that would not become a feature in the landscape and a suitable dwelling on the site would be in keeping with the adjacent dwellings, the plot size of this proposed site is largely in keeping with the size of the plot either side.

# 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.

Part of the boundary to the front of the site will be removed in order to achieve sight splays. This is a scrappy hedgerow and is not considered to be a species rich hedgerow worthy of retention. There are adequate boundaries associated with the boundaries of properties no 78 and 80 that form the two boundaries of the site and help the proposed dwelling to integrate. The south western boundary of the site is at present undefined however it can be defined and is in line with the boundary line of the adjacent dwelling no 80.

## C) It relies primarily on the use of new landscaping for integration.

The site will require a new boundary and reinstatement of part of the front boundary as a consequence of the provision of splays however it is not considered that the site will rely primarily on the provision of the new boundaries in order to integrate.

## D) Ancillary works do not integrate with their surroundings.

Ancillary works will integrate into the surrounding landscape and will not cause any demonstrable harm onto the surroundings. The ancillary works will integrate into the landscape, a proposed site layout was submitted showing a relatively straight access lane to the northern side of the site. Other services can be provided at the site without having a detrimental impact on their surroundings.

## E) The design of the building is inappropriate for the site and its locality.

This is an outline application and therefore full particulars of the dwelling have not been presented however a suggestive site layout indicates a dwelling with dormers is proposed. If a dwelling was considered acceptable in principle it would be necessary to restrict the height to some degree in order to ensure the dwelling can integrate into the landscape. Levels would be required given the sloping nature of the site. A well-designed dwelling could be accommodated on the site. It is noted that the dwellings adjacent are both sizable dwellings albeit on more mature plots.

# F) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

A dwelling can be accommodated on the site that can blend with the land form and the existing slope of the site however it will have to be carefully designed to not result in a large element of under build or retaining walls resulting. The remainder of the slope can be used to help provide a back drop to the site and with adequate planting to the rear boundary a dwelling on the site can be accommodated. The site does have constraints but these constraints could be overcome with good design.

#### CTY 14 Rural Character

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

### a) It is unduly prominent in the landscape.

A dwelling could be accommodated on the site without becoming unduly prominent in the landscape, a ridge condition of 6m would be considered necessary if approval was considered appropriate to ensure that the dwelling does integrate successfully. It is noted no 78 is two stories in height but it does sit on much lower ground than the site in question.

 b) It results in a suburban style build-up of development when viewed with existing and approved buildings. It is considered that a dwelling at this location would result in a suburban style build-up of development when viewed with existing and approved buildings.

# c) It does not respect the traditional pattern of settlement exhibited in that area.

The traditional pattern of settlement in the area is generally large plots with single dwellings located on them. The semi-detached dwellings on the opposite side of the road are noted. This plot is a large plot so respects the character of the immediately adjacent plots. At outline stage consideration cannot be given to the design of the dwelling as it is not presented however it is noted that there is a mix of characters and styles in the area with no one design being dominant or evident. It is considered that a dwelling can be accommodated on the site that will respect the traditional pattern of development found in the area

# d) It creates or adds to a ribbon of development.

For the reasons set out above, it is considered that a dwelling on this site would result in the creation of a ribbon of development with no's 78 and 80 Old Park Road.

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

It is considered that ancillary works can be provided at the site without resulting in a damage to rural character. Sufficient space remains within the curtilage of the dwelling and lands owned to provide a septic tank and water and electric should not cause issue given adjacent sites are serviced. It is not considered that ancillary works will impact negatively in rural character.

#### Recommendation:

Refusal

#### Reason for Refusal

 The proposal is contrary to the SPPS and Policies CTY1, CTY8 and CTY14 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 would if permitted, result in the creation of ribbon development along Old Park Road resulting in a detrimental change to the rural character of the countryside.

Case Officer: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 30.11.2021

# WRITTEN SUBMISSION

# Planning Committee Meeting Wed. 9th Feb. 2021

Planning Application Details:

Application Reference: LA07/2020/1866/O Date Received: 10<sup>th</sup> Dec. 2020

Proposal: New dwelling with associated detached garage and site works.

Location: Between 78 and 80 Old Park Road, Drumaness.

Applicant: Ms. Maureen Nixon

Recommendation: Refusal

We are grateful to the Planning Committee for the opportunity to present this written submission for their consideration. The recommendation for refusal on the delegated list, week commencing 6th December 2021, is rebutted as follows:

#### Refusal Reasons

The proposal is contrary to the SPPS and Policies CTY1, CTY8 and CTY14 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 would if permitted, result in the creation of ribbon development along Old Park Road resulting in a detrimental change to the rural character of the countryside.

#### Reason for Refusal Explained

From the Planning Report we can determine that the fundamental reason for refusal is in regard to Policy CTY8 of PPS 21 Ribbon Development.

Policy CTY8 states (in regard to ribbon development) that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings. The Planning Report highlights that (in the Planners opinion) a substantial and continuously built-up frontage does not exist, therefore the proposal fails to meet the policy requirements of CTY8.

The Planning Report explains the position of the Planners as follows, in italics: The agent has indicated on drawing no P-02 the buildings that are considered to constitute a substantial and continuously built-up frontage and this includes the properties known as 80, 78, 76A and 76 Old Park Road. Property No. 76A is set back from the remainder of the mentioned dwellings and while there is an access to the dwelling from the road it is fenced in a poorly maintained stock proof fence and the grounds to either side are clearly grazed rather than maintained as a manicured garden."

Towards the house is a planted boundary that appears to define the curtilage of the dwelling known as no 76a and it does not adjoin the road therefore it is not considered that there is a substantial and continuously built-up frontage as the gap here constitutes a break in the frontage.

## Property No. 76A

The house and site at No. 76A was granted outline planning permission, then reserved matters planning permission and subsequently 3No. full planning permissions for changes of house type, spanning from 2001 to 2013. On all five occasions the application site was outlined in red and extended to the road filling the gap between Nos. 76 & 78 Old Park Road.

The area to the front of No. 76A adjoining the road contains a driveway flanked on either side by an area of grass, with the dwelling set further back behind some trees; this entire area forms the curtilage of the property as outlined red in the planning approved site maps.

Towards the house there is a broken-down dry-stone wall with intermittent planting that existed before planning permission for the development of the site was granted. It was a condition of the planning permissions that the trees and hedge along this line were to be retained. However, this feature does not physically or functionally separate No.76A from the road; there are significant gaps in the wall where it is has fallen down and portions that have been deliberately removed to functionally connect the entire site.

With regard to the front areas either side of the driveway; there is no compelling evidence that this area is an agricultural field; the owner of 76A does own a pony and this is sometimes seen in the area in question, horses however are domestic animals not agricultural, It is also a narrow view (in the planning report) that only areas of 'manicured gardens' are to be considered part of the curtilage of a property; there are many instances of areas forming the curtilage of a property that are not well maintained nor form part of a formal garden.

In addition, a significant concrete driveway connects the dwelling to the main road and where the driveway and road meet there are substantial stone pillars and metal gates. The previous 5No. planning permissions for No.76A also required the provision of sightlines that extended across the entire frontage of the site where it meets the road. These sightlines are clearly seen 'on the ground' with grassed verges, a fence and hedge planting behind the sight lines extending the full width of the plot adjoining the road.

In addition, the previous planning permissions for No.76A also required the provision of planting schemes. This planting scheme contained in the planning permissions and referred to in the planning conditions listed trees and a mix of shrubs to be planted in groups shown on the drawings. One group of planting was shown behind the broken-down dry-stone wall and three areas of planting were shown in the front areas (between the broken-down dry-stone wall and the road) with the addition of hedging set behind the sight lines along the entire frontage. This indicates that the entire site was accepted by Planning as forming the curtilage of the property and approved five times for domestic use.

Given the above evidence we determine that the curtilage of No.76A is the entire area (as defined in the planning permission drawings) and this clearly adjoins the public road and forms part of the substantial and built-up frontage along the Old Park Road.

#### Substantial & Built-Up Frontage

Given the evidence provided above we conclude that a substantial and built-up frontage exists, formed by dwellings at No.76, No.76A, No.78 and a dwelling and garage at No. 80. All these buildings are visible from the public road and the curtilage of each property adjoins the road. The application therefore meets the requirements of Planning Policy CTY8.



Application Reference: LA07/2021/1790/F

Date Received: 13.10.2021

**Proposal:** The application is for full planning permission for the conversion and extension of a vernacular barn to form a single dwelling.

Location: The application site is located 170m Northwest of 150 Clonvaraghan Road,





Site Characteristics & Area Characteristics:

The site is a roadside plot and accommodates a barn orientated gable on to the road and within approx. 2m to the roadside. The land falls from the roadside in a south westerly direction. There is a post and wire fence which runs along the boundary with the roadside. There is also a post and wire fence to the NW boundary of the field, however, the site as outlined in red is undefined as are the remaining boundaries

## Site History:

LA07/2020/1326/F – 170m Northwest of 150 Clonvaraghan Road, Ballyward Proposed conversion and extension of a vernacular barn to form a single dwelling Refused 28.04.2021

### Planning Policies & Material Considerations:

The site is located outside the settlement limits within the Banbridge Newry Mourne and Down Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 4 The Conversion and Re-use of Existing Buildings
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Banbridge Newry Mourne and Down Area Plan (2015)

Guidance: Building on Tradition (A Sustainable Design Guide for NI Countryside).

#### Consultations:

NI Water – Statutory response DFI Roads – No objections subject to conditions

## **Objections & Representations**

The application was advertised in the Mourne Observer on 27.10.21 which expired 10.11.21. No neighbour notification letters were required given the location of the barn. No letters of objection or support have been received in relation to the proposal.

#### Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

As noted above the SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). In terms of the conversion and re-use of existing buildings, the SPPS provides policy clarification at paragraph 6.73. Paragraph 6.73 of the SPPS, identifies a number of strategic policies for residential and non-residential development in the countryside which should be taken into account in the determination of planning applications. The strategic policy in relation to conversion and re-use of existing buildings for residential use states that provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of <u>a locally important building</u> (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep or retention.

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 including the conversion of a non-residential building to a dwelling in accordance with Policy CTY 4. Policy CTY 4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaption if necessary, of a *suitable* building (my emphasis) for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals are required to be of a high design quality and to meet a number of identified criteria. When looking at emphasised wording of Policy CTY 4 and that contained in paragraph 6.73 of the SPPS, it is apparent, however, that there is a conflict between the retained policy and the SPPS in terms of the conversion and re-use of existing buildings for residential use. Under the identified transitional arrangements in paragraph 1.12 of the SPPS, the SPPS should therefore be accorded greater weight in the assessment of this proposal. Thus, the SPPS provides policy clarification with the requirement for the proposal to be converted to be a 'locally important building' as opposed to a 'suitable building' under Policy CTY 4 of PPS 21.

The proposal is for the conversion, including extensions and alterations, of a modest agricultural barn. The building sits close to the roadside slightly below the level of the road, remotely in a larger agricultural field. The small single storey linear style building has external walls which are dashed and a slate roof. It measures approx. 18.7m x 5.3m. It varies in height due to the slope of the site from 4.3m at the roadside to – 5.6m high. The existing building has a floorspace of approx. 99m² with the floorspace of the extensions totalling approx. 102m². Whilst 'locally important' is not defined in the SPPS, it is considered that it requires the building to be of some merit and importance to its local setting making it worthy of retention and to warrant it being of 'special character or interest'.

The agent claims that the building in question is locally important and considers it to be a rural vernacular building which is shown on the 1830 maps, indicating it is over 190 years old. The agent claims the building has a dominant influence and it is a prominent feature along the roadside, appearing to be linear in form. The agent indicates that there is an outbuilding

situated at 150 Clonvaraghan Road which displays the exact same scale and form to this building. This shows how this form is common within the area. The agent indicates that the building was previously a farm dwelling, with a local farmer inhabiting the dwelling. The agent considers that it falls under BH15 of PPS 6 in that the subject small vernacular outbuilding can be seen as an important element in the rural landscape given its prominent roadside position. The relevant policy consideration is CTY 4 of PPS 21.

Whilst it may be approximately 190 years old and typical of a building within rural Northern Ireland, age alone does not constitute it being 'locally important'. There was no evidence presented to suggest that this building had any historical significance in the local area bar that It had been used as a dwelling in the past. Travelling along Clonvaraghan Road from the south east the building is only visible until approach to it. Coming from the opposite direction while the barn is visible for a long stretch of the road from Kilnhill Road junction, it does not appear prominent in the landscape, this is due to the building being located within a hollow and on ground lower than the roadside. This combined with the modest size and scale of the building, along with lack of distinctive features renders its visual impact on the landscape minimal despite its proximity to the public road. It is considered to be a somewhat unremarkable building. Whilst, the agent indicates that it represents a vernacular building reflecting the local folk tradition typical of a common type of building in a particular locality which predates 1925, the SPPS does not indicate that such buildings are 'locally important' ones. The existing design and finishes bar the slate roof of the building are not of any particular merit or importance worthy of retention. The DAS states that the proposal includes the reinstatement of the traditional natural stone finish to the barn which is currently covered in render however the building must be assessed in its current form.

This application is a repeat application the previous being refused under LA07/2020/1326/F for conversion of this barn to a dwelling. It was refused on the basis that the subject barn was not considered to be a locally important building, the conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and furthermore because the extensions proposed were not sympathetic to the scale, massing, architectural style and finishes of the existing building.

In assessment of this current proposal for conversion, officers consider that little has changed in terms of the resultant dwelling to make this proposal acceptable. The finish of the barn would be traditional natural stone, the previously submitted rear corridor has been removed and the link potion on this submission is larger and has a flat roof. As before, the nature of the proposed changes to the structure would eradicate any interest which the building may possess with the agricultural front elevation doors being replaced with large windows. A substantial extension (over 50% increase in floorspace) creating a rough 'L shaped' building would also be added onto the south west elevation of the existing building with a flat roof link to provide an open plan living, kitchen and dining area.



Proposed front elevation



Given that the Planning Department do not access that the building is a 'locally important building' as envisaged by the SPPS, consequently the proposed development is not an exception under Policy CTY 1 of PPS 21 and is not acceptable in principle in the countryside.

Notwithstanding the above and in the interests of conclusiveness, Policy CTY 4 requires that proposals for the conversion and reuse of existing buildings to be of a high design quality and meet all seven criteria listed.

### Policy CTY 4 - The Conversion and Re-use of Existing Buildings

This policy states that 'planning permission will be granted to proposals for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.' Subject to proposals meeting seven stated criteria.

#### (a) the building is of permanent construction;

The building does appear to be of permanent construction.

(b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;

The reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building. The flat roof link with pitched roof extension to the south west elongates the barn disproportionately with a frontage of 32m and

the extension accommodating the open plan living area sits perpendicular to this link. Due to the design and the use of materials the two elements do not gel cohesively together. Such an arrangement has not been designed to become an integral part of the building visually, and it is not in balance with the shape of the existing barn.

(c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;

Whilst the proposed finishes of the scheme include natural stone, smooth render Cedral effect timber cladding and slate roofing, the nature of the proposed works as previously detailed and as an overall scheme would not maintain or enhance the form of the building and result in the loss of the little character that the barn possesses.

(d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;

The building is a sufficient distance away and would not affect the amenities of nearby residents.

(e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;

N/A as this is for a residential property.

(f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

There are other dwellings within the immediate vicinity and given that it has a roadside location, all services could be accommodated without significant adverse impact on the environment or character of the area.

(g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

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

Policy CTY 13 - Integration and Design of Buildings in the Countryside

Policy CTY 13 Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that as the site is cut from a larger agricultural field with no defining boundaries. As mentioned previously the building currently has minimal impact in the landscape due to the alignment of the road and the fact that the building sits below the roadside contrary to the agent's opinion that the building

is a prominent one in the landscape. The proposal relies heavily on the addition of planting to the undefined boundaries. However, given the minimal views of the site until at the frontage of the site and that the extension is at a lower elevation and located to the side and rear of the existing building, with a backdrop of rising land to the rear and sides, on balance it is considered that the scale and massing of the dwelling are appropriate and will not have a significantly greater visual impact than the existing barn to be converted and accords with policy requirements of CTY 13.

#### CTY 14 - Rural Character

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. It is accepted that the proposal will not have a detrimental impact upon the rural character and appearance of the immediate setting and wider landscape and is in general accordance with Policy CTY 14.

PPS 16 – Development relying on non mains sewerage
There would be sufficient room within the land in red for a septic tank and soakaways.

## PPS 3 - Access, Movement and Parking

DFI Roads were consulted as part of the proposal who have no objections to the proposal subject to conditions.

#### Conclusion

In conclusion, it is considered that the building does not meet the 'locally important' test on the basis of architectural or historic merit as set out in the SPPS. Nothing has changed since the submission of the previously refused application to make the building locally important and its conversion therefore acceptable. Whilst each application must be assessed on its own merits, it is considered that to permit the conversion of such a building to a dwelling in the countryside under the expressed policy would effectively create a significant precedent for similar proposals. The information submitted does not demonstrate that this particular building is locally important and as a consequence the proposal is considered unacceptable in principle and conflicts with CTY4 of PPS 21.

#### Recommendation:

#### Refusal

#### Refusal Reasons:

- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY4 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building to be converted is not considered to be a locally important building.
- The proposal is contrary to Policy CTY 4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character or appearance of

83

the locality and the new extensions proposed are not sympathetic to the scale, massing, architectural style and finishes of the existing building.

Case Officer J McMullan Date 02.12.2021

Appointed Officer A.McAlarney Date 02 December 2021

Speaking Rights

09/02/22

84

The crux of the departments argument is that this building proposed to be converted is not considered to be a locally important building. The Council also raised issues with the conversion and extension, stating that it does not maintain or enhance the form character and architectural features, design and setting of the existing building.

## The first point I would like to address is "What is a locally important building?

The explanation of what constitutes a locally important building is written in to the Department own published guidance, Building on Tradition, a document which even the SPPS has stated should be considered as a material consideration into the interpretation of this policy.

The description of a locally important building can be found on page 49 paragraph 3.3. under the heading, 'Locally important Buildings'. Within this section, it clarifies that a building which displays Vernacular characteristics are considered to be locally important and as a result should be retained and converted.

The characteristics of a locally important building are:

"Rural vernacular buildings which are small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local 'folk tradition'. Such vernacular buildings will have been of a common type in any given locality and will lack the individualistic design features.

#### See the screen for an image of the building in question.

As you can see here on the screen, the application building is of a vernacular appearance, with a prominent roadside position with gable fronting onto the road. The map shown demonstrates that this building has been here for over 200 years and is considered to be an historic and visually important feature in the local landscape.

As a result, the building conforms to the definition of a locally important building in the landscape, given its roadside position and vernacular appearance as well as its dual agricultural and residential use over the 200 years.

#### See the screen for a couple of examples of a locally important building.

The Councillors will be well aware of the buildings roadside position along Clonvaraghan road. This road side position is also a factor in what constitutes a locally important building. This was a method which was accepted by the Department under the approval of LA07/2019/1820/F, where the case officer report states "As the buildings are located close to the roadside, and due to the building's vernacular design it is considered to be of local importance".

This is at odds with how the Department have assessed this current application by suggesting that a roadside position and vernacular design do not constitute a locally important building.

We have also provided a design solution which would retain and enhance architectural features of merit on the building, similar to the locally important building approved here under 2018/A0031.

This decision stated that "providing the render is removed, as proposed, it would display architectural merit and features worthy of retention. The scheme would secure the retention and enhancement of a rural building". The removal of the render on the application building to expose the original natural stone barn now presents an opportunity to secure the retention and enhancement of a rural building of merit. This stonework is exhibited on numerous buildings and bridges within close vicinity to the site, therefore demonstrating its local significance.

the dual residential and agricultural use of the building also contributes to its local significance.

As you can see on the screen, a quote taken from the appeal 2018/A0031 saying "the dual residential and agricultural use of the building by local people within living memory confers a local historical significance on the building. This factor contributes to the building's local importance..."

Speaking Rights

09/02/22

85

We have provided sworn affidavits to support that this building was also domestic accommodation. Patrick Morgan was born half a mile from the site and can remember stories his father used to tell him about various people living in the property.

For example, In 1901 a man named Patrick McMullan lived in the house. He was a local farmer and blacksmith for the area, therefore had an important role in the local areas farming network.

Regarding the extension, we feel that the extension does respect the existing building and its setting.

We proposed this amended siting, in response to an email received from the case officer for the previous application. Within this email, the Case Officer stated that (our response):

- The Case Officer said "A pitched roof link did not work as it elongates the building further" we amended the proposal to provide a flat roof link instead.
- The case officer also noted that "The addition of the hall extension to the north suggested the building is not suitable for conversion"- we then removed this hall extension to provide a hall within the existing footprint of the building.
- The case officer concluded that "Having more of an L shape and linking the two buildings with some sort of glazed link may improve, but it would require a high quality finish perhaps incorporating local stone"- the proposed extension forms an L shape, and we have linked the two buildings via a glazed link and as I've already touched on today, we have incorporated the original natural stone into the finish, resulting in a high quality finish.

The Case Officer also reports highlights this under Policy CTY 13 that:

"the extension, which is at a lower elevation and located to the side and rear of the existing building, with a backdrop and it was considered that scale and massing of the dwelling was appropriate."

The report further states that:

"the proposal would not have a detrimental impact on rural character and appearance of the immediate setting"

For the reasons presented today, we feel that this building being in its prominent roadside position for over 200 years has been an important element in the local landscape, having also been in dual agricultural and residential use for the 200 years. Therefore this does constitute a locally important as intended by the SPPS, PPS21, and supported by Building on Tradition.

The Department have previously accepted that a buildings roadside position and vernacular appearance constitute a locally important building under ref LA07/2019/1820/F.

The applicant has now proposed innovative design solutions to retain and enhance the original features of the building, whilst ensuring the upkeep and survival of this vernacular building, providing a much needed family home for the applicant.

We respectfully request the Planning Committee overturn the Case Officers recommendation and approve the application.



Application Reference: LA07/2021/0875/O

Date Received: 10.05.2021

Proposal: The application is an outline application for a replacement dwelling.

Location: Adjacent to and North of 5 Loughkeelan Road, Strangford, Downpatrick.



## Site Characteristics & Area Characteristics:

The site in question is located adjacent to a residential dwelling known as 5 Loughkeelan Road, Downpatrick. The site consists of a linear building and part of an agricultural field. The northern and eastern boundaries of the site are undefined, the eastern boundary is made up in part of planting and of the wall of the building which sits outside but on the boundary of the agricultural field. The southern boundary is a mature plated boundary shared with no 5

Loughkeelan Road. The site itself is relatively flat though the site and building sit raised from the access lane that serves them. The building is a linear building with a barn opening at the gable facing north, north west. It is a stone building.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale AoNB and also within the sphere of influence of an archaeological site and monument of an unlocated burial with urn. The area is a rural area of single dwellings and farm steds and the access is via a minor road.

## Site History:

R/2004/1884/O – NW of 7 Loughkeelan Road, Downpatrick – dwelling and garage – refusal – 15.03.2006.

R/1996/0943 - 150M SW of no 9 Loughkeelan Road, Downpatrick - dwelling - granted - 24.03.1997

## Planning Policies & Material Considerations:

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- 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 3 Replacement dwellings
  - Policy CTY 13 Integration and Design of Buildings in the Countryside
  - Policy CTY 14 Rural Character

## Consultations:

NI Water was consulted in relation to the application and has responded with no objections.

DFI Roads was consulted and have no objections in principle but have suggested conditions to be attached to any approval.

Historic Environment Division was consulted and Historic Monuments has responded with no objections, the application does not offend the provisions of PPS 6.

### **Objections & Representations**

In line with statutory requirements one neighbour was notified on 24.05.2021 which expired on 07.06.2021 and the application was advertised in the local press on 26.05.2021 which expired on 09.06.2021 and to date there have been no representations made in relation to the application.

#### Consideration and Assessment:

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

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings the policy is broadly consistent with the policies set out in PPS21 apart from a tightening of policy in relation to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building. Whereby the emphasis has moved from 'should' within CTY 3 to 'must'. 'Replacement dwellings must be located within the curtilage of the original dwelling where practicable'....'Replacement dwellings must not have a visual impact significantly greater than the existing building'.

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. One such instance is a replacement opportunity in accordance with Policy CTY 3 of PPS 21.

Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy reference to dwellings will include buildings previously used as dwellings.

The policy also goes on to state that buildings designed and used for agricultural purposes such as sheds or stores will not be eligible for replacement.











The building presented is a linear building with what appears to be an asbestos type sheeted roof. The building is of a stone construction with plastered walls inside and exposed rafters. At one gable of the building is a large barn opening which could not be mistaken for any type of residential opening. There are two small windows facing into the field and a single door opening and single window on the other side elevation. There are limited openings with large stretches of blank walls. Typically, older dwellings in the country would have been smaller in size compared to this large barn type building. The openings presented are not typical of older dwelling houses and there are no internal features that would suggest characteristics of a dwelling such as a fire place or mantle, nor are there any markings on the walls to suggest a source of heat. There are also no internal divisions evident or even holes in the walls or any evidence in the roof structure or walls to suggest it was ever divided, again leaning more towards the character of an agricultural barn than that of a dwelling house.

The door and window formation of the building is not characteristic of a dwelling house. The four walls are structurally intact however the building lacks any characteristics of a dwelling.

90

The scale, layout and openings of the building do not demonstrate any characteristics of a dwelling house.

To the exterior of the building there is no evidence of what would have been a curtilage, the building clearly forms part of the boundary to the adjacent field. The area to the front of the building, past the large opening in the gable, is a path to the field and to the lane side of the building is an area overgrown but with no evidence of a curtilage or garden area or pedestrian paths suggestive of a curtilage of an older dwelling.

The agent has submitted what he believes to be evidence that the building was once a dwelling. An Abstract was submitted in relation to Fr Denvir, claiming he was born in Loughkeelan. Another letter was from A Mr Magill and it states that his grandfather and father both told him of putting in the barn door at the gable and also blocking the chimney up and using what they called a former dwelling house belonging to Fr Denvir as a barn.

The third piece of evidence submitted was extracts from census documents and Griffith maps – the map identifies a building occupied by Fr Denvir noted as 4B however the maps do not exactly identify the building in question. It would appear to be within the vicinity but notably there were historically a number of buildings at the site as confirmed in the accompanying Design and Access Statement.

In any case the policy does not allow for a replacement where there are testimonies that the dwelling was occupied in instances where the main characteristics are not evident. The policy clearly states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics if a dwelling. While it is stated that the chimney has been blocked up there was no obvious evidence of this on the day of the inspection. In addition to this the policy states that buildings designed and used for agricultural purposes will not be eligible for replacement. It has been stated that the works took place to a dwelling however there is inconclusive evidence to determine the level of amendments and to identify any former dwelling. If the works that are to have taken place to the dwelling are correct i.e. the barn door being implemented, the building being re roofed to remove thatch and also the chimney being removed and the building re designed for cattle then this would result in the building being designed and used for the purposes of agriculture and therefore is not eligible for replacement.

Policy CTY 13 - Integration and Design of Buildings in the Countryside

Consideration is given to the points of CTY 13 and it is considered that a dwelling at this site could be accommodated as it would not result in the building becoming a prominent feature in the landscape. The site can make use of some existing boundaries at the site and some planting however it is acknowledged that the building to be demolished does form one of the boundaries and two further boundaries remain undefined. The red line of the application site is generous and in reducing the proposed curtilage less new planting would be required and the site would integrate more successfully.

Ancillary works can integrate into their surroundings, the proposed dwelling would make use of an existing lane serving the lands at present. Other utilities currently serve dwellings and lands adjacent and should not cause any negative impacts visually on the surroundings.

As this is an outline application the full design and particulars have not been submitted but it is considered that a dwelling can be accommodated within the site without causing any detrimental impacts. A building could be accommodated within the existing landform.

## Policy 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. In this case a dwelling on the site would not be unduly prominent in the landscape and would therefore not have a detrimental impact to the rural character of the area. A dwelling could be accommodated on this site without offending any of the provisions of CTY 14.

## CTY 16 Development relying on non main sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The proposed means of sewerage disposal is a septic tank, again as this is an outline application information is limited but it is considered that the site can accommodate this and would not offend CTY 16.

## Impact on Residential Amenity

The dwelling is located beside another residential dwelling however the dwelling would be sufficiently separated so as to not cause any detrimental impacts onto neighbouring properties.

### PPS 3 - Access, Movement and Parking

DFI Road have been consulted and have no objections in relation to the proposal but have suggested conditions should approval be granted.

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

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

PPS 2 Natural Heritage, NH 2 Species Protected by Law is considered. The building has a large opening to one side and appears to be used as shelter for cattle, on the day of the site inspection there were no obvious signs of bat activity at the building. There are a few trees adjacent to the site which are noted. The site sits adjacent to an existing dwelling, it is not considered likely that there are bats present at the building.

NH 6 is also taken into consideration, the proposal is not considered to be likely to offend any of the provisions in NH 6.

#### Recommendation:

The application is recommended as a refusal as it is not considered that the application complies with CTY 3 Replacement Dwellings for the reasons set out below.

92

## Reason for Refusal

 The proposal is contrary to SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and the building this application relates to has been designed and used for agricultural purposes and therefore is not eligible for replacement.

Case Officer: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 15.10.2021

# Replacement Dwelling North of No 5 Loughkeelan Road, Strangford, Downpatrick. BT30 7AH, with retention of original for ancillary use

#### REFUSED

- there is no structure that exhibits the essential characteristics of a dwelling.
- the building this application relates to has been designed and used for agricultural purposes and therefore is not eligible for replacement.

The issue here is confined to the prerequisites for, or principle of, replacement – the details may be left to another day... (Planning's case has already been rebutted in 'call-in' submission.)

#### **BACKGROUND**

The site lies in typical rural Lecale about half way as the crow flies between Downpatrick and Strangford. It is accessed by a laneway from Loughkeelan Road a little over 200metres to North. There is a typically scattered settlement pattern. The proposal goes some way in reinstating the original field pattern. The building to be replaced is a remnant of the historic settlement pattern. A modern bungalow lies immediately to South.

All is illustrated below ...... old house circled







**Current OS Base** 

**Aerial Photo** 

Historical 1860 2nd Ed OS Base

#### PLANNING POLICY

## Policy CTY 3 - Replacement Dwellings require;

1. '... essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.' Evidence......







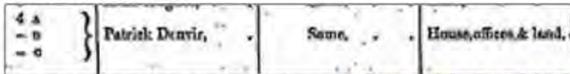
Formerly part of a built cluster, the structure is typically vernacular of the mid-1800s – load bearing mass rubble walls bonded with lime mortar - intact and sound – harled externally – lime

mortar rendered internally – window openings canted internally, one blocked-up - brick dressings externally – all characteristic of residential use.

Currently has a corrugated sheeted roof, and an opening let into its northern gable.

2. '... 'dwellings' will include buildings previously used as dwellings'

Evidence - Griffiths Valuation



Griffiths Val'n entry shows building was 'House'.

**4B**, the tenement/holding, is outlined in red on adjoining **Griffiths Map** extract.

Italic 'a', attached to the largest structure on the tenement, the planning subject, indicates a 'House'.

Other incidental buildings within the Red Line are 'Offices' that is non-residential; e.g. barn



.... and rules out

 CTY 3 'Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.'

Evidence .... this building was NOT 'designed and used for' agricultural purposes.

- · Griffiths clearly indicates an original residential use.
- It was/is a robust building, neither a shed nor temporary.
- there are window openings (unlikely in barn or byre); and they are canted;
- it was lime rendered internally;
- it was harled externally;
- wall openings are dressed with brick;
- testimony tells of removal of chimney/hearth;
- basic structure reflects so many of the characteristics of vernacular residential construction; and ....

All suggest that the building was 'designed and used' as a dwelling – as indeed it was. Ultimately, and with adaptation, it was used as barn only after an opening was let into the northern gable. Planning implies that opening was original – not so, the head and concrete reveals/jambs indicate it was a latter-day intervention.



Proposal satisfies all three Policy prerequisites for replacement – walls intact, use as dwelling, NOT designed and used for agricultural purposes i.e. not shed.

To conclude as Planning did, suggests the D&AS and subsequent evidence (obtained post-covid restrictions) was not read, was misunderstood or was wilfully ignored. 'Essential characteristics' are manifest; intact 'external structural walls' are evident; evidence of 'use as dwelling' has been documented by Griffiths; building not designed and used for alternative use – rather, it was adapted latterly. Distractions like 'lack of curtilage' (Source: COR), besides being immaterial, are/were readily understood had the D&AS etc., been properly scrutinised.



Application Reference: LA07/2021/0755/O

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

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

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

#### 1.0. Site Characteristics and Area Characteristics

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

Image 1 Extract from the Site Location Plan

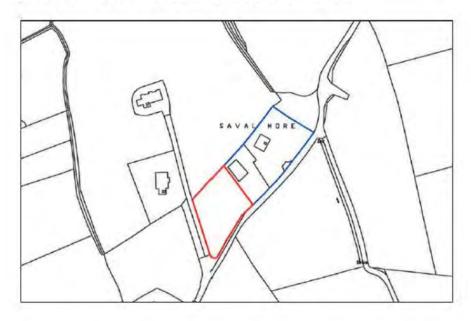


Image 2 Photograph taken looking onto portion of the application site from number 11 Saval Lane



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



Image 4 Photograph looking onto the application site from Saval Lane



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

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

- 1.5. The application site does not lie within close proximity to any natural or historic features.
- 2.0. Planning Policies and Material Considerations.
- 2.1. This planning application has been assessed against the following policies:

Banbridge, Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 3 Access Movement and Parking

DCAN 15 Vehicular Access Standards

Planning Policy Statement 21 Sustainable Development in the Countryside

Building on Tradition Sustainable Design Guide

## 3.0. Site History

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

## **Planning History Table**

Reference	Location	Proposal	Status
Applications within	the red line bounda	ry of application site	
LA07/2020/1068/F	11 Saval Lane Newry	Retention of existing domestic garage and	The second secon

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

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

# 4.0. Consultations

4.1. Consultations were issued to the following consultees on the 18th May 2021.

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

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

# 5.0. Objections and Representations

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

### 6.0. Assessment:

# Banbridge, Newry and Mourne Area Plan 2015

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

# Strategic Planning Policy Statement

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

# PPS21 'Sustainable Development in the Open Countryside'

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

#### CTY8 - Ribbon Development

6.4 Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy further states that for its purposes, the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

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

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

- 6.9. Viewed from above (birds eye view), as suggested by the applicant, the application may appear as a gap-site, however the critical view is from the ground and the adjacent roadside, at Saval lane. From here, given the specific site circumstances and context, in particular the curvature of the road, the topography of the site and the positioning of adjacent buildings, the site does not appear as a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. Indeed, it is considered that the application site upon which this application relates currently serves as an important visual gap between existing dwellings and this is accentuated given its complex topography, elevated nature and road configuration.
- 6.10 The applicant has also sought to demonstrate, though the submission of a 'drone image' with annotated dimensions, that the proposed infill sites would respect the existing development pattern in terms of plot sizes. The Planning Department, for completion purposes, has assessed the existing and proposed plot sizes as follows:
  - Number 11 Saval Lane 73.3m
  - Proposed site 2 (drawing P02- application site) 62.7m
  - Proposed Gap Site 1, (drawing P02- application site) Gap 36.8m
  - Number 19 Saval Lane 67m
  - Number 21 Saval Lane 47.4m
- 6.11. The Planning Department considers that this assessment based, as it is, on a narrow, mathematical exercise, is flawed and does not represent a valid planning approach. Any assessment of a proposed 'gap site' against the existing settlement pattern, must also include a detailed analysis of the

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

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

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

# Policy CTY13 - Integration and Design of Buildings in the Countryside

- 6.16. Policy CTY 13 of PPS 21 is also material to the assessment of this application, in this regard. It states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:
  - (a) it is a prominent feature in the landscape; or
  - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
  - (c) it relies primarily on the use of new landscaping for integration; or
  - (d) ancillary works do not integrate with their surroundings; or
  - (e) the design of the building is inappropriate for the site and its locality; or
  - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
  - (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.
- 6.17. Whilst detailed design and finishes are not available at this outline stage it is considered, given the site's elevated and complex topography, that any dwelling located on the site, including associated ancillary works, would require a substantial amount of cut and fill. The topography of the site and the extent of work that would be required to level out the site for a dwelling to be sited is indicative of the site's unsuitability for a dwelling. Furthermore, paragraph 5.64 of PPS 21 states a new building that relies on significant earth works such as mounding or cut and fill for integration will be unacceptable. It is considered that

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

# Policy CTY14- Rural Character

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

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

# Policy CTY16 - Development Relying on Non-Mains Sewerage

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

# Planning Policy Statement 3- Access, Movement and Parking DCAN 15- Vehicular Access Standards

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

#### 7.0. Recommendation

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

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and Policy CTY8 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that it is not an exception to the policy as it does not constitute the development of a small gap site within an otherwise substantial and continuously builtup frontage and would add to ribbon development along Saval Lane.
- The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why development is essential in this rural location and could not be located within the settlement limit.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning policy Statement 21, Sustainable Development in the Countryside, in that the dwelling, if permitted would be a prominent feature in the landscape; the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; it would rely on the use of new landscaping for integration; ancillary works would not integrate with their surroundings; it would fail to blend in with the landform, existing trees, buildings, slopes and other natural features and therefore would not be visually integrated into the surrounding landscape.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling if permitted, be unduly prominent in the landscape; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved dwellings; the dwelling if permitted does not respect the traditional pattern of settlement exhibited in that area; the dwelling if permitted would create a ribbon of development; the impact of ancillary works would damage rural character and there would result in a detrimental change to the rural character of the countryside.

# Informatives

This refusal relates to drawing numbers: P01, P02

Case Officer Signature: Roisin McGrane

Date: 19.11.2021

Appointed Officer Signature: M Keane

Date: 08-12-21

REQUEST FOR SPEAKING NOTES

LA07/2021/0755/O

Site for dwelling with garage. 50m South west of 11 Saval Lane, Saval

109

Officers feel that the proposal does not constitute a small gap site. Whilst there are no prescribed upper or lower limits within policy for deciding what a "small" gap site is. Based on previous decisions by this planning department there have been cases where the size of the gap has exceeded 130 metres and been deemed to meet the criteria of Policy CTY 8. Examples of these decisions include applications LA07/2018/1855/F (135m) and LA07/2018/0401/O (145m). The officers have measured the gap between the buildings incorrectly and have not specified within their report what the actual distance between the buildings measures as, that they consider to be 'excessive'. We can be assured that it is no more than the case in LA07/2018/0401/O. However crucially the officer's assessment is flawed in that they have omitted an existing building (stables) from the analysis based upon the fact it does not benefit from planning approval. Within the applicants supporting statement, evidence was provided in the form of aerial imagery and receipts for the construction of the shed to show that this building has been established since 2009. Therefore, making it immune from enforcement action. It has been noted by the applicant that this Council's planning committee as recently as in the last two months have accepted that buildings that are immune but not certified lawful can be taken into account (LA07/2021/0358/O & LA07/2021/0734/O). In the latter case the Council's legal officer was fully involved in the decision, acknowledging that the PAC had adopted this approach on occasions but opining that a CLUD would be best. Whilst it is not compulsory for the applicant to do so, however, based on the aforementioned decisions, and for the purposes of transparency he has applied for a Certificate of Lawfulness to make the stable building lawful (This is currently being assessed). Measuring the gap correctly from the nearest building at no.19 to the stable building the gap between the relevant buildings is reduced significantly to that of the planner's assessment. The gap measures approximately 113 metres, a significantly 'smaller' distance than the previously alluded to cases where gaps measuring in exceedance of 130 metres were considered as small. In the interest of consistency in decision making, then the inescapable conclusion is that the width of the gap will be one third less than officers' opinion; and can be considered as small for the purposes of Policy CTY 8. Further to this the planners have opined that the submission of a drone image with annotated dimensions as a narrow mathematical exercise is flawed and that this alone was not enough. The officers report goes on to state that "any assessment of a proposed gap site against the existing settlement pattern must also include a detailed analysis of the associated characteristics of the site and its immediate context on the ground". "It is only through such a broad-based assessment that a sound robust assessment of the proposal can be made". Within paragraph 6.8 and 6.9 the officer refers to the intervening topography, road alignment and positioning of the adjacent buildings as the reasons why the site is not within a substantial and built up frontage and does not constitute a small gap. This in our opinion does not read as a broad-based assessment. Upon reading the applicants supporting statement it is clear that the applicant's assessment had went beyond a mere mathematical exercise. Under Policy CTY 8, account must also be taken of the adjacent plot sizes. Plot widths have not been given the appropriate weighting in the evaluation of the gap, with plot sizes not even assessed by the officer. Officers believe the applicant relied upon the mathematical measurements alone, not only did they exclude the fact that the adjoining plots measure 0.2 (no.19) and 0.3ha (no.21 & no.11) in area, and the two notional plots in this wider gap would measure 0.2ha and 0.3ha in area, they did not in fact appraise the issue of size at all. Provided the buildings on this gap were separated by comparable distances and occupy equally sized plots, the proposal would thus be in keeping with the pattern of development. As the assessment has not been complete, and because it has misunderstood the applicant's argument, this application has been brought before the







REQUEST FOR SPEAKING NOTES

LA07/2021/0755/O

Site for dwelling with garage. 50m South west of 11 Saval Lane, Saval

110

committee today. Officers recognise that the character of the area is typified by 1.5 and 2-storey houses. Despite this being an application for outline planning permission officers have concluded that this development would require significant cut and fill operations, and there is an assumption that such works would be 'excessive' and 'inappropriate'. However, no design proposals have been submitted by the applicant at this stage and it is unfair to assume that works would be excessive and inappropriate at this stage without a formal design proposal. For example, such works could clearly be avoided by building a house over split level. This would not affect the rural character of the site or the area, given the frontage is acknowledged as being comprised of 1.5 and 2 storey houses.

Officers cite concerns over lack of enclosure and integration. Contrary to CTY 13, officers make no reference to the locations from where this development would be perceived as prominent (there are no medium or long-distance views into or through the site). The site is not visible on approach from the east, and on approach from the west there is a very short stretch of frontage where it is possible to look downwards and through the site). The analysis of the issue of integration is incomplete, and the applicant submits that integration has been secured through the retention of the significant belt of trees along the roadside (which restrict views inwards from the frontage) and by utilising the site's contours, and also by integrating with other development in the existing cluster (there is an existing cluster of buildings here, which increases the sense of an already built-up area, so the suburban build-up that is presupposed and which is allegedly contrary to CTY 14, is already in place. In regards to the concerns around Policy CTY 14 the officer states that the site "does indeed act an important visual gap in the landscape". However, the site is only partially and momentarily visible when travelling in a westerly direction along Saval lane approaching the site. The applicant would be proposing to retain the existing trees and mature vegetation where possible that currently screens the site. The addition of the proposed dwelling would not further erode the rural character of the area, the proposed dwelling would be infilling a gap as provided for under CTY 8. To the east of no.11 Saval Lane and to the west of no.19 Saval Lane are a number of green agricultural fields which ensure that this is not excessive development. Additionally, the proposed development does not extend beyond the existing frontage on either side thus restricting the development to this already built up section of Saval lane. The opposite side of the road to the site is also undeveloped. The dwelling will not sit as high on the land as that of no.15 and the ancillary works will be no more detrimental to the landscape than is existing for that property (i.e. large areas of hardstanding). In addition to this, one must appreciate that a dwelling will not necessarily be prominent just because it is elevated. Officers feel the gap is excessive, and that the impression is not one of a continuously built up frontage due to the curvature of the road and the topography of the land. In addition to this, officers suggest that development would be crammed onto this site due to topography, however it would not be crammed if the actual gap truly was excessive. This gap is in no way sufficient to function as a physical buffer between the developments to each side of this site, if there is an existing ribbon, and all buildings face the road, and there is a space within this ribbon that is comparable with the spacing of the other plots, then the site is not contrary to Policy. The environmental issues arise from this proposal purported non-constituting an infill opportunity. If the infill argument can be assessed fully the environmental concerns would be set aside. DFI Roads had no objections to the proposal and no objections have been received from neighbouring properties. We would respectfully request for the planning committee to approve this application which will aid to maintain a degree of consistency in decision making within the district.







Application Reference: LA07/2021/1243/F

Date Received: 06/07/2021

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

Location: 18 Park View, Cloughoge, Newry

#### Site Characteristics & Area Characteristics:

The application relates to a semi-detached dwelling located within Park View residential development. The surrounding area is predominately residential in nature with a playpark and playing field located to the south west. The site is within the settlement limit of Newry and within an Area of Outstanding Natural Beauty.



Application Site

# Planning Policies & 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 7- 'Residential Extensions and Alterations' (The Addendum)
- Planning Policy Statement 2- Natural Heritage

#### Site History:

 P/1983/1040- Proposed extension and improvements to dwelling 18 Park View, Newtowncloughoge, Newry, Permission granted.

Consultations: No consultations were considered necessary.

#### Objections & Representations:

Eight neighbours were notified of the application and it was advertised within two local newspapers (expiry 18/08/2021). No objections or representations have been received.

#### 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 limit of Newry, 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).

The application seeks a single storey rear extension and first floor extension to the side. The Agent for the application was contacted and advised that the Planning Department have reviewed the application and whilst there is no objection to the principle of an extension on the site, it is requested the first floor side extension is set down from the ridge of the existing dwelling by at least 0.5m in order to comply with Policy EXT1 of the Addendum to PPS7.

In response the Agent advised that the proposed ridge has been kept in line with the existing ridge to match that of previously extended properties at 22 & 24 Park View – only a few houses away, same house type and on the same side of the street. It was requested that the Planning Department reconsider the request to amend the scheme.

A planning history search was conducted for 22 and 24 Park View:

P/1994/0526- Alterations and extension to dwelling No 22 Parkview Newtowncloghogue.
 Permission granted 17/06/1994.

 P/1988/1283- Extension to dwelling and erection of domestic garage No24 Park View Newtowncloghogue Newry. Permission granted 13/12/1988.

The Planning Department advised the Agent that given the approvals were in 1988 and 1994, they would not have been assessed against the same policy considerations and as such little weight can be attached. It was again advised that the first floor side extension should be set down from the ridge of the existing dwelling by at least 0.5m in order to comply with Policy EXT1 of the Addendum to PPS7, consistent with the approach taken under LA07/2021/0703/F- 5 Park View. The Agent pointed out errors with the approved drawings for LA07/2021/0703/F, however the reference was to point out that the original application was for a side extension along with the existing ridge line which was requested to be reduced and was amended accordingly.

The Planning Department advised that the height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property, the first floor side extension should be set down from the ridge of the existing dwelling by at least 0.5m in order to comply with Policy EXT1 of the Addendum to PPS7. Amended plans 19-101-P01A-05, 19-101-P01A-06 and 19-101-P01A-07 were submitted, the Agent advised that:

- Bedroom 4 window reduced in width
- Extension roof front plane vertically dropped 550mm downward resulting in a 500mm parallel offset to existing front roof plane.
- Bedroom 4 window opening amended.
- External finishes updated.

The amended plans were welcomed however one further opportunity to submit amended plans was facilitated. It was requested that the roof plane is also dropped to the rear, to match the front elevation, to create symmetry with the existing dwelling. The Agent was not agreeable to this and requested the scheme was progressed based on the plans submitted. Reference to other approvals were the roof was not set down to create symmetry was submitted:

- LA07/2021/1389/F- 2 storey side extension with a single storey extension to rear of side
  extension to existing dwelling, 1 Forestbrook Avenue, Rostrover, Newry BT34 3BX. This
  dwelling was set among a row of semi-detached dwellings with levels rising travelling
  towards the subject site. The site context is not comparable to the proposal.
- LA07/2021/1368/F- Proposed side extension, 11 Greencastle Pier Road, Benagh Lower, Kilkeel, Co Down, BT34 4LR. This application relates to a detached dwelling within a rural area and is not considered comparable to the proposal.
- LA07/2021/1121/F- Proposed 1.5 storey side extension to dwelling utility and shower room on ground floor with wardrobe/storage areas above, 2 Carrick Meadow, Carrickmacstay, Warrenpoint, Co. Down. Immediately adjoining dwellings 3 and 4 Carrick Meadows have side extensions which are not set down from the roof plane. This is not the same context as the subject application.

Each application must be considered on its merits and I do not believe that the examples provided are directly comparable to the proposal. The application will be assessed against amended plans 19-101-P01A-05, 19-101-P01A-06 and 19-101-P01A-07 submitted.

Policy EXT1 states that proposal to extend or alter a residential property will be granted where all of the following criteria are met:

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

The rear extension proposed will involve the demolition of the existing rear projection and will be replaced by an extension which extends 3.3m from the rear building line, measures 9.1m in width with a ridge height of 3.7m. The size and scale are comparable to the adjoining rear extension and no windows are proposed along the side elevations ensuring no undue impacts on the privacy or amenity of neighbouring residents. The rear extension is to be finished to match the existing dwelling. Sufficient space will remain within the rear garden area for recreational and domestic purposes. The rear extension is considered to comply with Policy EXT1.

In terms of the first floor extension, the Planning Department has consistently requested the ridge of the extension to be reduced by 0.5m with the roof pitch matching that of the existing dwelling and ground floor projection. The existing two storey dwelling with single storey side projection have symmetrical roof pitches. The proposed first floor extension is set back from the front roof plane but runs along the existing roof plane of the dwelling to the rear. Paragraph A14 notes an extension or alteration which copies the roof type and angle of pitch of the original residential property will be more successful than those proposals that introduce a completely different type of roof.

The proposed first floor extension is not considered to respect the design and character of the host dwelling and would detract from the appearance and character of the surrounding area which is in conflict with criterion a of Policy EXT1. The first-floor extension is considered to meet the criterion b, c and d as the first floor window to the rear will be obscurely glazed ensuring no overlooking, there are no landscape features to be removed and the parking and turning arrangement will be unaffected.

Policy NH6 relates to development within Areas of Outstanding Natural Beauty. The application site is located within a built up residential area and it is not considered that the proposal would harm the special character of the Area of Outstanding Natural Beauty.

Recommendation: Refusal. The proposal fails to meet Policy EXT1 in its entirety.

# Reasons of Refusal:

 The proposed first floor extension is contrary to the Strategic Planning Policy Statement for Northern Ireland and to criteria (a) of policy EXT 1 of PPS 7 (addendum) as the design and appearance is not sympathetic with the built form and appearance of the existing dwelling and will detract from the appearance and character of the surrounding area.

Case Officer Signature: E.Hart

Date: 26/11/2021

Appointed Officer Signature: A Davidson

Date: 26/11/2021

LA07/2021/1243/F

18 Park View

Matthew McMullan

In response to the Planning Officers report and reason for refusal:

The Planning Department requested the ridge to be reduced by 'at least 0.5m in order to comply with Policy EXT1 of Addendum to PPS7'. But there simply is no stipulation whatsoever in Policy EXT1 of Addendum to PPS7 requiring a minimum figure of <u>0.5m</u> in relation to the ridge heights. The source of this figure was queried with the Planning Officer by email and no response was received. This is a purely notional figure with no basis in regulation.

The Planning Department was informed the original planning submission was prepared in line with past approvals at 22 & 24 Park View — on the same side of the street. Planning advised this was under previous policy and so the same criteria could not be followed in this case. Although disappointing, this was accepted. The notional 0.5m minimum reduction in height was again requested. This was surprising considering under current Policy EXT1 of Addendum to PPS7 to which the Planning Officer references, an approval was granted at 3 Carn View (LA07/2017/1415/F) approximately 30m directly facing from this property with the proposed extension ridge reduced only approximately 0.2m - 0.3m which is clearly evident on plan and as built. Inconsistent.

The planning officer also refers to taking a consistent approach with a recent approval at 5 Park View (LA07/2021/0703/F). But why was that approach of a ridge reduction of 0.5m not consistent with the approach taken at 3 Carn View – they were both under the same policy? It must be iterated there is no requirement for a reduction of 0.5m in policy.

Furthermore, errors with the approval at 5 Park View were pointed out to the Planning Officer, which were acknowledged in the report. It must be further noted these were serious and significant in nature. Effectively it is not actually possible to build according to the approved plans and in my opinion could well require contravening Policy EXT 1 part (a) to achieve in real world conditions — this is the example Planning are citing this application to be consistent with?

The Planning Officer continues in the report to state, 'The Planning Department advised the height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property'

This is not in dispute and is fully accepted. However, the Planning Officer continues...

'the first floor side extension should be set down from the ridge of the existing dwelling by at least 0.5m in order to comply with Policy EXT1 of the Addendum to PPS7.'

This is not factual in policy.

To demonstrate a willingness to cooperate to achieve approval the roof to the proposed extension was reduced 0.55m (exceeding the notional 0.5m request) vertically down at the front roof plane as is hugely common and typical for a residential area of this type, style of extension and house type throughout N. Ireland. Amended plans were submitted. The proposals clearly demonstrate the height, width and general size is smaller than the existing house and subordinate and integrated so as not to dominate the character of the existing property.

Symmetry was then requested.

The Planning Officers report continues: 'the Planning Department has consistently requested the ridge of the extension to be reduced by 0.5m with the roof pitch matching that of the existing dwelling and ground floor projection.'

I have no records by email, phone call or letter of the Planning Department requesting the roof pitch to match 'that of the existing dwelling and ground floor projection'. However, the ridge was reduced and the roof pitch (angle) is the same and does match that of the existing dwelling and front projection — approximately 30 degrees.

Page 1 of 2

116

117

The only time the word 'Symmetry' is specifically mentioned in Policy EXT1 of Addendum to PPS7 is Annex A, Paragraph A18 which is in reference to window openings. This is not relevant to the roof.

Paragraph A14 is referenced by the Planning Officer to justify their stance -

'An extension or alteration which copies the roof type and angle of pitch of the original residential property will be more successful than those proposals that introduce a completely different type of roof. The roofing material of any pitched roof extension should seek to match that of the original. Flat or mansard roofed extensions to traditional buildings are seldom harmonious. However, they may be acceptable where they are not open to public views.'

Paragraph A14 does not state symmetry is compulsory nor even mention symmetry and does not allow for instant dismissal of these proposals.

It is clear from paragraph A14 what completely different roof types are: pitched, flat, mansard etc – vastly different in both construction, pitch and style.

A completely different roof type is NOT being introduced here. The existing dwelling has a 30 degree pitched clay tile roof. The proposed side extension has a 30 degree pitched clay tiled roof. Roofing materials and angles are the same. Ridge levels are different as requested.

Paragraph A14 also states that completely different roof types may even be acceptable where they are not open to public views. This particular property is in a row of semi-detached properties. From a street view perspective, it will be impossible to see if the rear roof plane was reduced, or not in relation to the existing dwelling further negating the stance taken by the department on the reliance of this paragraph.

The proposed first floor extension has been designed with all finishes to match the existing dwelling: wall finishes, window colour and style, rainwater goods, roof type – same pitch and tile and so on.

The prevalent character of the area is two storey semi-detached with a mix of extension types – full two storey side extensions (no reduction at all in ridge heights), two storey side extension (<0.5m ridge height difference), single storey side and rear extensions, front extensions and an example of an extended property at 31 Park view with a 'non-symmetrical' side extension – This is located diagonally to the rear of this application and on a prominent corner site.

These proposals comply fully with the contested criteria (a) of Policy EXT1 of PPS7 in that the design and appearance are sympathetic with the built form and appearance of the existing dwelling and will not detract from the appearance and character of the surrounding area.

Recent similar approvals in addition to those dismissed within the planning report:

LA07/2021/0792/F - 12 Corick Close, Kilkeel. AONB. Two storey side ext. Not symmetrical.

LA07/2021/0720/F - 8 Castle View, Jonesborough. Two storey side ext. Not symmetrical.

LA07/2021/0457/F - 2 Donagh Grove, Warrenpoint. Two storey side ext. Not symmetrical.

The amendments made have increased build costs and I fear making additional amendments will further increase build costs. Considering the state of current construction market, delays in achieving approval will be to detriment of the homeowner, possibly making the proposed works financially undeliverable.

Your careful consideration is sought in light of this information with a view to approve.



Application Reference: LA07/2021/1023/O

Date Received: 27/05/2021

Proposal: Private dwelling with domestic garage on gap/infill site.

Location: Immediately south of 21 Whiterock Road, Newtownhamilton.

#### Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is an area of agricultural land set back from the edge of the public road, the site is part of a larger field and is within the south eastern area of the field on an elevated portion of land. The site has no direct access to the public road given that it does not abut the road, the application plan submitted shows the site to be accessed via a narrow access lane that leads from the public road to No 21 and its associated buildings which are set to the north of the site.

The site is located within a rural area, there are other properties and farm buildings within the surrounding area, as stated to the north of the site is No 21 and an associated building, these buildings are set back from the road with access via a narrow access lane.

To the south of the application site is No 17 and associated agricultural buildings, these buildings are also set back from the public road with access via an existing laneway. Beyond the laneway to access No 17 is a recently constructed one and a half storey property No 15 which abuts the public road.

#### Site History:

No relevant planning history.

# Planning Policies & Material Considerations:

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

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

119

Building on Tradition.

#### Consultations:

DFI Roads - No objections.

NI Water - Generic response.

DFI Rivers - No objections.

Defence Infrastructure Organisation - No objections.

# Objections & Representations:

The application was advertised on 16/06/2021, five neighbours were notified on 11/08/2021 and 08/09/2021, no representations or objections have been received.

#### Consideration and Assessment:

# Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21 – Sustainable Development in the Countryside
Policy CTY1 of PPS21 states that there are a range of types of development which
are considered to be acceptable in principle in the countryside and that will contribute
to the aims of sustainable development. PPS21 states that planning permission will
be granted for infill dwellings in accordance with policy CTY8.

#### **Policy Consideration**

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

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. To the north of the application site is No 21 and its associated buildings, these buildings as previously stated are set back from the public road with access via a narrow laneway, these buildings do not have a frontage with the public road. It is also considered that the application site does not have a frontage given its position set back from the road edge. No 17 and its surrounding buildings is also set back from the road with access

via an existing laneway, these buildings are not considered to have a frontage with the public road given their positions set back from the road edge. No 15 set further to the south of the application site is considered to have a frontage with the public road. It is considered that 3 buildings are not located along the road frontage and as such there is not an otherwise substantial and continuously built up frontage present.

The second step in determining if an infill opportunity exists is to identify whether the gap site is small and the third step in determining if an infill opportunity exists is whether in terms of size, scale, siting and plot size the proposal would respect the existing development pattern. The proposal is for outline permission and so little details are provided, the application is for one dwelling on the submitted site. The application site is not considered as a small gap given its size, the site has a length of approximately 120 metres. The agent has stated on submitted information that it is intended to position an agricultural building in the northern portion of the site, given that there is no approval for such a building and the building is not currently in place little weight can be given to what might be proposed in the future on an area of the site. The large size of the site is not in keeping with the size, scale and plot size of existing development in the area and it would not respect existing development patterns in the area.

The proposal is not considered a small gap and it will not respect existing development in the area given the large size of the application site.

The fourth step of the infill policy in CTY 8 that must be considered is whether the proposal meets other planning and environmental requirements.

#### Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is a relatively open agricultural field located slightly back from the road edge on an elevated site

and as such a dwelling on the site would be considered a prominent feature in the landscape. The site at present is open to views as the site lacks natural boundaries and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

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

As previously stated the site is open to views from the public road and would be open and would require substantial planting to allow a dwelling to integrate and so any dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area. As the application site is not considered to have a frontage with the public road it is not considered that it would add to or result in a ribbon of development. It is considered that the proposal fails to comply with parts a and b of Policy CTY14.

# Access and Parking

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

# Development relying on non-mains sewerage.

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

Recommendation: Refusal

#### Refusal Reasons:

- 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.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for a building to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- 4.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case Officer: Wayne Donaldson Date: 30/11/2021

Authorised Officer: David Fitzsimon Date: 01/12/2021

# Surveyors & Assessors Architectural & Development Consultants Structural & Civil Engineering Consultants

a: 11 Marcus Street, Newry, Co.Down, BT34 1ET

t: 028 3026 6602 / 0460 f: 028 30260467

e: info@collinscollins.biz w: www.collinscollins.biz

Newry Mourne and Down District Council Planning Office O'Hagan house

Monaghan Row Newry Co. Down

Date

1st February 2022

Our Ref 12505

Your Ref LA07/2021/1023/O

Re: Proposed private dwelling with domestic garage in gap/infill site immediately

South of No. 21, Whiterock Rock, Newtownhamilton

For: Mr Brian Finnegan

We feel that the proposed site should read as a gap site as the site in question shares the same characteristics as the neighbouring dwellings No. 21 and No. 17, both are accessed from the Whiterock Road via laneways and do not have immediate road frontage. Therefore we feel that our site has similar traits and would integrate with the existing building line.

Our proposed site is to be accessed of the same laneway as No. 21 Whiterock Road again integrating with the existing infrastructure surrounding our site, there will be no new access created onto the Whiterock Road we propose and intend to use the existing laneway with improved sightlines.

We feel the proposed site is in keeping with existing dwellings No. 21 and No.17 as they too are both set back from the Whiterock Road and accessed via separate laneways. Our site respects the existing development pattern along the frontage in terms of siting and plot size and meets other planning environmental requirements as per Planning Policy CTY 8.

No. 21 Whiterock Road is a part of a farm holding with a number of outbuildings surrounding the dwelling, our client is a son of the owner of No. 21 and will inherit the farm holding and surrounding land. The farm will need modernising and the father and son propose to build a new agricultural shed to winter animals and store machinery, they propose to construct the shed to the south of No. 21 which would the decrease the size of our proposed site leaving us a smaller gap site as annotated on the site location map provided. We have taken into full account of the existing pattern of development and will produce a design which will integrate the proposal into the surrounding landscape.

There is a genuine need for the dwelling as stated above that the son will inherit the small farm holding and the proposal of the dwelling will be a great asset to the young farmer as he will reside close to the farm holding and therefore would be able to be on hands a lot more and continue the family farm business tradition.

We do not agree with the interpretation of policy made by planning officers and would seek an opportunity to address the committee to outline our reasons why we believe the application does meet the relevant policy criteria. We can also make necessary amendments if required to achieve a successful conclusion to the application.

Yours faithfully

John Collins

Collins and Collins Architectural Consultants





Application Reference: LA07/2020/0074/O

Date Received: 19th December 2019

Proposal: Proposed erection of 3 no. detached dwellings

(Category 1 elderly,) in curtilage car-parking,

landscaping / planned open space and other ancillary

works.

Address: Lands north of No.5 Rathdallan, Well Road and west of

No.33 Clonallon Road Warrenpoint (adjacent to existing

Rathdallan Housing Development)

#### 1.0 SITE AREA AND CHARACTERISTICS

- 1.1 The application site is located within the development limits of Warrenpoint / Burren (WB01) and forms part of a larger parcel of land zoned for housing (WB08) as identified by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP).
- 1.2 This area is also within a designated Area of Outstanding Natural Beauty (AONB.) The area is residential in character, with a mix of dwelling types and sizes, ranging from single to 2.5 storey in height and predominately detached. Clonallon Park is also located some 100m South-west of the site.





1.3 The site boundary encompasses a linear parcel of land directly north of Rathdallan residential development and west of No.33 Clonallon Road, which fronts onto both the Well Road and Clonallon Road, with the northern part of the site positioned close to the roundabout junction of both these roads. The roadside boundary predominantly comprises a low-lying wall with railings over and dispersed stone pillars, with the addition of timber ranch fencing along part of the boundary to Clonallon Road. There is a belt of mature trees and vegetation separating the site from No.33 Clonallon Road to the east, with close boarded fencing along the southern boundary, separating the site from No.5 Rathdallan. The site is relatively level, with a gentle slope to the east and is sparsely overgrown, with more dense vegetation in the eastern site area. No's 22, 24, 26 and 28 Well Road are located opposite / west of the site (detached dwellings set within relative plot sizes and set back from the road.)

#### 2.0 SITE HISTORY

LA07/2021/0635/DC: Discharge of Condition 9 of application P/2000/0573/F, Condition Discharged 22.11.2021 (Application site including lands to SE)

P/2013/0490/F: Change of House type to previously approved house types 3 and 3A on plots numbered 13,24,26 & 27. Total 4 No. dwellings, **PERMISSION GRANTED 31/10/2013** (Lands to SE)

P/2013/0805/F: Change of house type to plots 1,4,5,6,14,15,16,17. As approved under P/2000/0573/F and additional 2no. sites 4A and 16A. Change of house types to plots 35, 36, 37, 38, 39 and 40 as previously approved under P/2008/0751/F, **PERMISSION GRANTED 29/04/2014** (Application site including lands to SE)

P/2008/0751/F: Erection of 6 detached dwellings (change of design from 2 apartment blocks containing 10 apartments,) **PERMISSION GRANTED 24/09/2009** (Application site including lands to SE)

P/2007/0841/F: Retention of boundary wall and entrance pillars and railings to approved development P/2000/0573/F, **PERMISSION GRANTED 22.04.2008** (Application site including lands to SE)

P/2006/1917/F: Erection of housing development for 4 detached dwellings incorporating individual accesses onto the Well Road, APPEAL DISMISSED 19/02/2010 (Appeal ref 2008/A0279 –refusal reasons include PPS8 OS1 and PPS7 criteria a and c) (Application site)

P/2004/2893/F: Erection of Residential Development comprising 44 No units (34 No detached dwellings and 10 No apartments) including construction of roundabout, **APPLICATION WITHDRAWN 01/03/2006** (Application site including lands to SE)

P/2000/0573/F: Residential development 44 No. units comprising 10 No apartments and 34 No detached houses, **PERMISSION GRANTED 26/03/2013** (Application site including lands to SE)

P/2000/0411/Q: Site for Housing Development, PRE-APP ENQUIRY

P/1999/1242/Q: Site for Housing Development, PRE-APP ENQUIRY

(Application site including lands to SE)

P/1978/1088: Site for Housing Development, **PERMISSION REFUSED 15/01/1979** (Application site including lands to SE)

#### Enforcement records:

LA07/2022/0019/CA - Alleged infilling, case active

LA07/2018/0142/CA - Alleged unauthorised ground works/clearing of ground, Case Closed 09.05.2018

LA07/2018/0225/CA - Alleged unauthorised dumping, Case Closed 14.11.2018

P/2007/0094CA - Unpermitted Building, Case Closed.

P/2006/0210CA - Unpermitted Building, Case Closed.

# Relevant Surrounding History:

P/2008/0751/F: Adjacent to and north of 29 Well Road, Warrenpoint Erection of 6 detached dwellings (change of design from 2 apartment blocks containing 10 apartments,) **PERMISSION GRANTED 24/09/2009** 

# 3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

The NI Regional Development Strategy 2035 (RDS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

#### Planning Policy Statements:

PPS2 - Natural Heritage

PPS3 - Access, Movement & Parking

PPS6 - Planning, Archaeology and The Built Heritage

PPS7 - Quality Residential Environments

PPS7 Addendum – Safeguarding the Character of Established Residential Areas

PPS8 - Open Space, Sport and Outdoor Recreation

PPS12 – Housing in Settlements

PPS15 (Revised) – Planning and Flood Risk

# Further guidance:

'Creating Places' and 'Living Places' Design Guides

DCAN8 - Housing in Existing Urban Areas

DCAN15 - Vehicular Access Standards

DOE Parking Standards

# Other:

Third party representations (including letters of objection and support)

Site history (including appeal decision 2008/A0279)

#### 4.0 CONSULTATIONS

<u>Dfl Roads (24/02/2020)</u> - No objections, subject to the necessary attached access conditions being met.

<u>DfC Historic Environment Division</u> (final response 29/10/2020) - There is a protected rath (tree ring – DOW054:002) located approximately 132m NW of the site. HED:HM are content that the proposal is satisfactory to SPPS and PPS6 archaeological requirements.

#### DAERA

- Water Management Unit (WMU) has no objections, with standard guidance and informatives attached.
- Natural Environment Division (NED) (final response dated 09/09/2021) -NED has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions (See PPS2 discussion)

<u>Dfl Rivers Agency (final response 18/09/2020)</u> - No objections, with relevant informatives attached to meet PPS15 (Revised) requirements.

NI Water (24/02/2020) - There is available public water supply and foul sewers, with available capacity at Warrenpoint WWTW to serve the development. However, there is currently no surface water / storm sewers available. Relative conditions / informatives are attached.

NIHE (Final response 31/03/2021) - Fully support the need for this scheme to help address unmet need in this area. The preferred housing mix is that of a 3 No 3 person, 2 bedroom generic wheelchair bungalows.

#### 5.0 OBJECTIONS & REPRESENTATIONS

5.1 The application was initially advertised in three local papers in January 2020. Following validation checks, it became apparent that the site address was inaccurate (in referencing No. 5 Well Road instead of No.5 Rathdallan) and subsequently the site address was amended accordingly.

The amended site address was then re-advertised in March 2020. Further re-advertisements were issued in September 2020, February 2021 and March 2021 following amendments to the proposal. The statutory advertising period expired on 30<sup>th</sup> March 2021.

- 5.2 47 neighbouring properties in total were notified of the application. The statutory neighbour notification period expired on 26<sup>th</sup> April 2021.
- 5.3 Additional acknowledgement and notification letters (regarding amendments) have also been issued to those properties who have made representations and who do not meet the standard statutory notification. It is noted that 16 of these letters have been returned to the Planning Authority by Royal Mail.
- 5.4 2 no. letters have been received from No's 36 and 38 Rathdallan querying whether correspondence they received by post was issued by the Council. Response letters have been issued to both addresses confirming that No's 36 and 38 Rathdallan do not meet statutory requirements for neighbour notification and that the correspondence referred to in these cases in relation to reference LA07/2020/0074/O was not issued by the Council's Planning Authority.
- 5.5 At the time of writing (Dec 2021) there are 25 letters of support and 31 letters of objection have been received as detailed:

#### Letters of support

- 23 No. signed letters of support from residents in Rathdallan have been submitted by the appointed agent. These letters include the developer's details and elaborates on the proposal detailing and asks that if there are no objections that the letter is signed;
- 1 No letter of support from Justin McNulty MLA (dated 12<sup>th</sup> November 2020.) It is noted that this letter was submitted prior to the proposal being amended to outline permission for 3 dwellings) noting that the applicant has been able to address the issues over the ecology and open space concerns by way of amendments. The letter points out that there is a very clear need for the provision of single storey dwellings for older residents and those with a disability. The letter sets out that the scheme is very clearly needed as identified in NIHE's District Plan and this is a unique opportunity to meet those needs. The letter commends the developer for his commitment to the area, the quality of the units proposed and for meeting a very specific need in the local community;
- 1 No. letter of Support from Apex Housing Association Ltd (dated 29<sup>th</sup> October 2020) confirming that there is a high need for Category 1 accommodation (for persons aged 55 years and over) and Apex would be supportive of a scheme at this location subject to planning permission being granted by Newry Mourne & Down District Council;

#### Objections

- 31 No. objections have been received from 11 different addresses (this figure includes one petition of objection signed by 5 different addresses.) The section below is intended as a summary of the material planning issues presented in these objections and does not preclude the detailed content as submitted, which is placed on this file for full consideration.

# 5.6 Summary of Objections

# Application Detailing

 Site address is inaccurate – reference to No. 5 Well Road should be No.5 Rathdallan.

Once the Council became aware of this matter, a request was made for the agent to amend the site address on the P1 application form. Following receipt of this amendment, the respective neighbours were re-notified, and the amended site address re-advertised in local papers, as detailed above.

The original proposal submitted was for 4 large detached dwellings, however the approach has now changed to emphasise the 'need' for 3 social houses. Would 3 dwellings make a massive difference to the social housing 'need?'

The application site has not been identified or zoned for social housing need in the Local Area Plan (BNMAP 2015) and therefore there is no identified 'need' for provision of social housing on this site. However the applicant has opted for this tenure as an individual preference, a matter which is out-with the remit of the Planning Authority.

#### Environmental / Biodiversity concerns:

- There is a known protected (active) species on this natural woodland site (photographs submitted from January 2020) and exclusion zones free of development must be maintained;
- The green area is established for 'flora and fauna' with a number of species including protected habituating here and it must be protected;
- The environmental damage would be catastrophic, because this is the only remaining green area on Well Road;
- Reference to unauthorised / illegal dumping of boulders, rocks, plastic and mounds of rubble (the size of a small hill,) and general contaminated building materials on site – impact on protected species and their habitat;
- The proposal will contravene the Council's Biodiversity Action Plan 2018-2022

 The site should be returned to its original state of woodland meadow to allow for the growth and development of urban habitat and biodiversity, in adhering to the Council's Biodiversity Action Plan.

DAERA make reference to 3<sup>rd</sup> party complaints regarding illegal dumping on this site and refer the matter to the Planning Authority. A site inspection was carried out by the Case Officer as part of this assessment on 29<sup>th</sup> May 2020 and at that time there was no evidence of any dumping on site. Notably however, there have been two previous enforcement cases investigating this matter and alleged ground works, which have been closed. Despite this enforcement history relating to the site, given the recent issues raised by DAERA the Local Planning Authority have referred the matter to our enforcement section for further consideration. This remains under consideration, as noted in the planning history records above.

The comments in respect of the biodiversity and ecological concerns are noted, these matters are considered further below under PPS2 consideration and assessment and in consultation with DAERA's Natural Environment Division.

# Access, Movement and Parking:

- The impact on traffic would be adverse, because the Well Road is a very narrow, winding, steep country road. There are places on the road where there is no footpath, due to lack of space. There are parts of the road where two cars which meet cannot pass one another unless one car reverses. More traffic would mean serious danger for the many pedestrians, young and old who enjoy walking on the Well Road.
- Visibility concerns when entering Well Road from Clonallon Road;
- Existing road is single file traffic in parts and additional houses will increase issues on an already substandard road;
- Proximity of dwellings to the roundabout junction formed part of previous refusal assessment – as it would hinder visibility at an already pressurised junction (informal single file system required;

Dfl Roads offer no objection to the proposal on these grounds and determining weight must be given to their professional advice as a statutory consultee. Further consideration is offered below under PPS3 consideration and assessment.

# Character of the Area

- This is an established residential neighbourhood. If even more houses were built, then it would cease to become residential and instead become a large housing development;
- There are already 44 large houses recently built in Rathdallan which are

- large and built very closely together. Even more houses would change the established character of the Well Road;
- The density of this site necessitated 4 houses having to be removed before planning for the remainder of the site was approved
- Dumping of boulders, rocks, plastic and mounds of rubble have been accumulating (the size of a small hill,) bordering and infringing on neighbouring property – has become an eyesore for the residential area and retained meadow (photographs submitted from January 2020.)
- The site is generally not maintained, untidy (in addition to said dumping) and the large advertising hoarding on site is unsightly;
- There are now more houses on this site than the rest of Well Road and the whole character of the road has changed
- Loss of open space and approved green area, resulting in inadequate open space provision for the wider development (below 8%);

These comments are noted – the proposal has subsequently been reduced to 3 dwellings (social housing) and the format of application amended to outline permission. For reasons considered below, the Planning Authority agree that the proposal is unacceptable for a number of reasons, including the loss of open space provision.

# Planning History

- There is a history of refusals on this site. This proposal should be refused again on the grounds of adverse effects to the environment, traffic and pedestrian safety and the detriment to the established character of the area.
- The position taken in Appeal decision 2008/A0279 should be replicated in this consideration as nothing has changed on this site;
- A neighbouring application was refused in 2018 given its close proximity to protected habitat;
- Change of planning responsibilities to Council since previous refusal Councillors and Planning Committee should be made aware of this history and the fact circumstances have not changed since the most recent refusal (appeal 2008/A0279.)

The planning history including appeal ref 2008/A0279 is material to this determination and forms part of the detailed assessment below.

# 5.7 Summary of Rebuttal statement from agent (dated February 2020)

Further to these objections, a rebuttal statement has been received from the appointed agent on behalf of the applicant. As above, the full details of this statement are on file for detailed consideration. For the purposes of this report, the bullet points below are intended as a summary of this statement:

- The purpose of the historical exclusion zone / buffer was to protect the species, as highlighted in appeal ref 2008/A0279 (paras 3-4;)
- The area in question was labelled as 'existing meadow retained' which was not planned nor designed as part of the housing development – rather to be retained due to the ecological constraint to the rear, however the planned 'landscaped area, lawn and wildlife corridor' which was purposely located in the centre of the site and to the rear boundary (easily accessible by residents) formed part of the open space provision. The open space provision has not changed;
- Further to this approval, P/2006/1917/F was submitted for 4 detached dwellings, which was refused and dismissed at appeal 2008/A0279 on the basis of PPS8 OS2 i.e. the proposal site forming part of the public open space provision for the approved 44 units. And its development would result in an insufficient amount of public open space provision (10% of the site area minimum.)
- Appeal 2008/A0279 was dismissed on 2 determining issues:
  - The shortfall of open space for the wider proposal of 44 units;
  - The site being open space to be protected by regional policy
- With respect to the open space requirement, there are important material considerations since this appeal including: (2011 Planning Act, Regional Policy (SPPS,) Appeal Open Space interpretation and typology (particularly since this appeal) and emerging Local Development Plan for Newry, Mourne and Down District Council.
- Given the site is located within the settlement development limit and zoned housing land, there is a clear presumption in favour of development;
- Regional Planning Policy changes since the previous appeal SPPS has changed the direction of PPS8 application;
- Appeal Open Space Interpretation / Typology a number of fundamental considerations have changed the weighting to be afforded to the primary material planning consideration, which the Council (as a different entity from the previous decision maker DOE) is entitled to depart from.

There are a number of points to consider regarding the interpretation of Open Space in the previous appeal: the site is undeveloped land which is not usable nor provides visual open space / relief. The exclusion zone to the rear is no longer required and no access is nor was then available. The applicant considers that the site is not and never has been zoned for open space purposes in a development plan (now adopted and reconciled the zoning) and considers it misleading to assert that the site is open space with public value nor is it required for flora and fauna. The open space provided is surplus to requirements;

- Character of the area - the scheme is sympathetic to the context and

character of the area showing large-detached houses fronting onto Well Road. The number of units is in keeping with the density (Dw/Ha) of the local area.

- Access Pending Dfl Roads response
- Ecology Surveys have been provided pending NIEA response
- Dumping The applicant strongly disputes dumping allegations and considers unknown 3<sup>rd</sup> parties (fly-tipping) have been responsible for dumping on the site. Illegal dumping has been difficult to prevent and redeveloping the site will result in overall betterment.
- Green space the site is privately owned and it is inaccurate to state that it is the last remaining open space, given the proximity to Clonallon Park.

It is noted that the scheme has been amended since these comments were received. Concerns in relation to the impact on Protected Species have been addressed through additional information and a reduced scheme. Comments in relation to open space are noted. It is considered that to state the open space provision at Rathdallan has not changed since the original approval is inaccurate, given the loss of the open space area in the north of Rathdallan in addition to the linear wildlife corridor being inaccessible to residents (if this formed part of the calculation for open space as stated by the agent.)

It is also considered inaccurate to refer to the Appeal ref 2008/A0279 findings to fail on OS2 grounds or its definition as 'open space' on OS2 grounds i.e. in its contribution towards the open space calculation for Rathdallan. The Appeal decision is firmly weighted on OS1 grounds in that the application site is integral to the overall residential development and its status as 'open space' is on the basis that it meets the following Criteria of Para 2 (Annex A of PPS8)

iii - amenity green space;iv - havens and habitats for flora and;vi - visual amenity

Comments in respect of the Council's emerging Local Development Plan are noted, however in line with Para 1.10 of the SPPS, the BNMAP 2015 is the current operational Local Plan for this site, therefore comments in respect of the emerging LDP do not hold any determining weight in this assessment.

These matters are discussed in more detail under PPS8 below, with determining weight given to the planning history and failure to meet prevailing policy requirements.

#### 6.0 CONSIDERATION AND ASSESSMENT:

# 6.1 Summary of Proposal

The original scheme as submitted, sought full permission for 4 no. detached dwellings on this site, which was considered contrary to Policies PPS2, PPS7, PPS8 and PPS12.

Having been given the opportunity to submit additional information for consideration, the proposal was amended to an outline proposal for the erection of 4 no. detached dwellings (Category 1 elderly), in-curtilage carparking, landscaping/planned open space and other ancillary works.

Following further concerns against PPS2, the proposal has been further amended / reduced and now seeks outline permission 3 no. detached dwellings (Category 1 elderly) in curtilage car-parking, landscaping / planned open space.

# 6.2 Planning Act and Development Plan Considerations

- 6.2.1 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.
- 6.2.2 BNMAP 2015 identifies the site as being within the settlement development limits of Warrenpoint / Burren (WB01) part of a larger parcel of land zoned for housing (WB08) and within Mourne Area of Outstanding Natural Beauty (AONB.) Policy SMT2 of BNMAP 2015 directs that zoned land will be developed in accordance with all prevailing regional planning policy and with any relevant Plan Policies and Proposals, including, where specified, key site requirements. There are no key site requirements listed for zoning WB08 (Housing Committed.)
- 6.2.3 Having regard to The Plan, prevailing planning policy requirements and full list of material considerations above, the determining issues in this assessment relate to the following:
  - Consideration of policy changes / site circumstances / proposal differences since the previous appeal (Planning History consideration - including Appeal ref 2008/A0279)
  - Whether the site constitutes 'open space' and if so whether an exception to PPS8 is met (PPS8 OS1)
  - The impact of the proposal on the public open space provision for Rathdallan as approved under P/2000/0573/F, P/2013/0490/F and P/2013/0805/F) (PPS8 OS2 and PPS7 QD1 criteria c)
  - Whether the proposal would create a quality and sustainable residential

# development (PPS7, PPS12, DCAN8, PRSRNI, Creating Places)

- The impact of the proposed development (as amended) on natural heritage including protected species (PPS2);
- Access, movement and parking considerations including road safety PPS3 / DCAN15 / DOE Parking Standards / PPS7)

# Additional considerations include:

- Flood risk;
- Archaeological considerations;
- Impact on Mourne AONB
- Impact on existing and proposed residential amenity

# 6.3 Planning History

- 6.3.1 Of particular relevance to this application is a historical refusal on this site for 4 dwellings (P/2006/1917/F,) which was refused following appeal ref. 2008/A0279 on 19<sup>th</sup> February 2010. There are two refusal reasons attached to that decision:
  - The proposal is contrary to Policy OS1 Protection of Open Space of the Department's Planning Policy Statement 8: Open Space in that the development would, if permitted, adversely affect the environmental quality of the urban area by reason of the loss of open space.
  - The proposal is contrary to Policy QD 1 (Criteria A and C) of the Department's Planning Policy Statement 7 (PPS 7): Quality Residential Environments in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.
- 6.3.2 The Planning Authority's professional report for P/2006/1917/F notes that the residential proposal at Rathdallan (as approved by P/2000/0573/F) originally included the erection of 5 dwellings on this site, but that these were removed due to the presence of protective species on site and an exclusion zone was subsequently incorporated, with this site retained as an 'existing meadow.' In considering Policy OS1 of PPS8, the view was taken that the site constitutes open space and its loss would negatively affect the character of the overall housing development, in addition to detracting from the amenity of residents of the housing development, with an OS1 refusal reason attached.
- 6.3.3 In addition, there have been three approvals at Rathdallan since the P/2000/0573/F approval as listed above (including P/2008/0751/F, P/2013/0490/F and P/2013/0805/F.) The site history listed above including appeal decision 2008/A0279 is material to the current assessment. On the basis of the planning history and appeal decision, it is considered that the established status of the application site is as 'open space' (retained meadow,) as also considered by the PAC in appeal ref 2008/A0279. Therefore the Policy tests of PPS8 are applicable to this assessment.
- 6.3.4 Notably since the previous appeal consideration on this site (ref 2008/A0279

- $-8^{th}$  Dec 2009,) there have been a number of changes to the policy context, through the introduction of the following which are relevant:
- Regional Development Strategy 2035 (RDS) (March 2012)
- Strategic Planning Policy Statement for NI (SPPS) (September 2015)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) (October 2013)
- PPS2 Natural Heritage (July 2013)
- 2<sup>nd</sup> Addendum to PPS7: Safeguarding the Character of Established Residential Areas (August 2010)
- PPS15 (revised) Planning and Flood Risk (September 2014)

# 6.4 SPPS, PPS8 – Open Space, Outdoor Sport and Recreation (Policies OS1 and OS2) and 'Creating Places' (Section 5)

# 6.4.1 Policy OS1

Similarly, to the Commissioner's view in planning appeal ref. 2008/A0279, the view is taken that the application site constitutes 'open space' for the purposes of this policy and in accordance with Para 6.200 of the SPPS. Whether or not there is public access to it, the site provides an important contribution to the quality of urban life by 'providing important green lungs, a visual break and wildlife habitats in built-up areas.'

- 6.4.2 PPS8 Policy OS1 prohibits development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. SPPS Para 6.205 expands on this point, noting that there will be a presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the two identified circumstances occur.
- 6.4.3 It is noted that the original proposal as submitted sought full planning permission for 4 no. detached dwellings. In seeking to overcome the Planning Authority's concerns regarding PPS8, following an initial assessment, without prejudice, the proposal has been amended to seek outline permission for 3. no detached dwellings (social housing units comprising category 1 elderly dwellings.)
- 6.4.4 The applicant's case seeks to demonstrate that the amended proposal meets the exceptions test of Policy OS1 and will assist to address the social housing need in Warrenpoint, which has been identified as 'very high.' This point is supported by an email from Radius Housing Association (dated 6<sup>th</sup> Feb 2020) confirming the same. The submission also refers to Newry Mourne and Down's Housing Investment Plan 2019-2023 which sets out the social housing need and challenges for this area (i.e. a need for 166 social housing units.) A Letter from Apex Housing Association Ltd (dated 29th October 2020) has also been provided, confirming that there is a high need for Category 1

accommodation (persons aged 55 years and over) and that Apex would be supportive of a scheme at this location, subject to planning permission being granted. Whilst based on the previous proposal of 4 units, the submission nonetheless seeks to demonstrate that the proposal would make a much needed contribution to address this need.

- 6.4.5 As part of this submission, the agent has submitted 23 no. signed letters of support from residents in Rathdallan to demonstrate the proposal has community support in accordance with Para. 5.5 of OS1 which states that applicants will generally be expected to demonstrate that their proposals are supported by the local community.
- 6.4.6 In considering whether the proposal merits an exception to OS1 by way of bringing substantial community benefits that decisively outweigh the loss of the open space, the Planning Authority advised that in principle there would need to be an agreement with a registered housing provider prior to determination, or alternatively a negative condition applied in the event of an approval, without prejudice, requiring the submission of an agreed contract on this basis (in consultation with NIHE) within a reasonable time frame from the date of planning decision. The opportunity was afforded to the applicant to submit additional information to further demonstrate how the proposal meets the exception to Policy OS1 in this regard.
- 6.4.7 A response dated 11 February 2021 confirms that in the event of an approval, a negative condition would be acceptable. Further to this, a letter from Apex Housing Association Ltd dated 23<sup>rd</sup> March 2021 has been submitted which confirms the following:
  - Warrenpoint is an area of high social housing need as confirmed by NIHE / DfC:
  - Apex has now registered an interest, following landowner approval with NIHE;
  - 3. Apex are seeking to progress the site as per the outline planning proposal;
  - As an outline application, a further Full / Reserve Matters application will be required
- 6.4.8 Following this response, further consultation with NIHE was undertaken, with NIHE advising that as of 31 March 2020, there is an identified projected housing need of 144 social housing units for Warrenpoint, to 31 March 2025. As such, NIHE fully support the need for this scheme to help address unmet need in this area should planning be gained. The preferred housing mix should be 3 No. 3 person 2 bedroom generic wheelchair bungalows. In the event of an approval, a condition would be required to ensure that the detailed design to be submitted meets this required housing mix.
- 6.4.9 The applicant's submission refers to appeal ref. 2016/A0102 to demonstrate that there is a precedence for social housing constituting a 'substantial community benefit' by way of meeting the exception Policy OS1.
  - In the case referred to, the PAC Commissioner considered that the proposed 27 units would partially address the social housing need for 62 families

(equating to 43.5%,) thus making a significant contribution in alleviating the need. The Commissioner in this appeal also notes (Para 11) that PPS8 OS1 does not give any specific guidance as to what constitutes a 'substantial' benefit nor does it state what exactly the term 'community' means and therefore judgement requires to be exercised by the decision maker.

6.4.10 In exercising professional judgement in this assessment, whilst it is acknowledged that there is scope for social housing in principle to merit an exception to OS1 by way of community benefit, the policy test is whether the redevelopment will bring 'substantial community benefits that decisively outweigh the loss of the open space' (emphasis added).

By providing 3 dwellings on this site out of the required 144 social housing units, this would equate to 2% of the required social housing need for Warrenpoint. In exercising professional judgement, this is not considered to constitute a 'substantial' (emphasis added) community benefit to decisively outweigh the loss of this open space. In this case, it is considered that the retention of the open space (and restoration to its approved condition) would offer more by way of community benefit in terms of visual amenity, character of the established residential area and supporting the biodiversity of the site and local area.

- 6.4.11 The second exception under OS1 applies where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:
  - I) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or
  - (ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

This is one of the last remaining parcels of open space at this specific location and it is considered vital to protect it due to the visual break and relief it provides in the streetscape, which visually enhances the character of the established residential area, by softening the overall visual appearance of the locality. The proposed development, resulting in a loss of open space, would offer an unattractive, more hardened visual aspect to the streetscape and detract from the overall visual character of the area.

Given the above and established use of the site (i.e. meadow,) it has not been satisfactorily demonstrated that the loss of this open space will have no significant detrimental impact on the amenity, character or biodiversity of this area.

For these reasons, it's considered that the applicant has failed to demonstrate that the amended proposal satisfactorily meets any of the exceptions listed under Policy OS1 and the proposed development should not be permitted. The proposal is also considered unacceptable to the guidance of Creating Places (Para 5.01) in this regard.

## 6.4.12 Policy OS2

Policy OS2 deals with Public Open Space in New Residential Development. In smaller residential schemes, the need to provide public open space will be considered on its individual merits. Given the size and scale of development proposed, there is no requirement under OS2 for the provision of public open space in respect of the 3 dwellings proposed.

- 6.4.13 In considering OS2 requirements for the wider land zoning under WB08 and the approved residential development within which this site has been established, the planning history and the contribution the application site makes to the open space provision for Rathdallan are also considered.
- 6.4.14 The applicant has attempted to demonstrate that the amended (indicative) layout will offer an appropriate level of open space, with almost half of the application site (1947m2) remaining undeveloped for open space, equating to c.14% overall open space provision for the wider residential development.
- 6.4.15 However Para 5.16 under OS2 directs that only 'useable open space' will generally be counted towards the open space provision. Accordingly, the previously approved open space, which is the subject of this application for housing, is not intended to contribute to active open space for the purposes of Policy OS2.
- 6.5 SPPS, PSRNI (DES2, SP18,) PPS12 (PCP1, PCP2, PCP3), PPS7 (QD1), PPS7 Addendum (LC1,) Creating Places, DCAN 8
- 6.5.1 The proposal (as amended) relates to 3 detached social housing units (category 1 elderly) with allocated amenity space and individual accesses off Well Road. As the amended scheme relates to outline permission, details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping are not available at this stage and are matters left reserved. This outline assessment therefore primarily relates to the Site Location Plan drawing above, with the indicative layout (as detailed in Drawing No. 03B Site Concept Plan) also considered.
- 6.5.2 The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment (Para 3.3.) It is considered that the proposal is contrary to these core principles of the SPPS for the reasons discussed in the policy considerations below.
- 6.5.3 PSRNI SP18 (Design in Towns and Villages) and DES2 (Townscape)

New development should be well designed and relate satisfactorily to the townscape setting. Of particular relevance here is the need for new housing to reinforce the character of the settlement rather than mask it with typical suburban forms. The site has an established use as open space, intrinsically linked to a wider housing development. Irrespective of its current physical condition / appearance, it is considered to play a vital role by providing 'green lungs' / important visual break / area of biodiversity in the context of the wider housing development and streetscape. To allow development on this site would result in an imbalance of urban development and green spaces which is critical to the character of this area of low – medium density residential area.

For these reasons, the proposal would not respect the character of this part of the settlement, including established residential area and is considered contrary Policy SP18.

- 6.5.4 In assessing the proposal against the three main elements of land use, amenity and design in accordance with DES2, it is considered that the development is unsuitable for the site, which is established as an integral area of landscaping / open space in the context of a wider residential development. It's acknowledged that approvals on the wider development have resulted in the significant loss of open space within this development and the site as a result has an important role to play in retaining some degree of landscaping / open space in the context of the overall residential scheme and land use zoning. To develop the application site as proposed, would further erode / detract from the character and amenity of the residential area and overall townscape setting, contrary to the thrust of DES2.
- 6.5.5 PPS12 Housing in Settlements (Planning Control Principle 1 Increased Housing Density without Town Cramming - PCP1, Planning Control Principle 2 - Good Design - PCP2, Planning Control Principle 3 -Sustainable Development - PCP3)

## 6.5.6. PCP1 and PCP2

Policy PCP1 deals with increased housing density without town cramming. When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

For reasons further discussed under PPS7 and PPS8, the proposal would significantly erode the environmental quality, amenity and local character of this area. The loss of the site's current established use as open space (meadow) which has an important role in supporting local biodiversity and offering visual amenity, would not respect the adjacent housing layout, and would result in a disproportion of design, layout and landscaping for the wider residential development. It is considered that the submitted information, including the indicative layout plan fails to respect the overall character, quality

and sustainability of the area and for these reasons, the proposal is considered contrary to PPS12 Policies PCP1 and PCP2.

## 6.5.8 PCP3

Policy PCP3 seeks to reduce the use of greenfield land for new development. The proposal seeks to develop on an area of established open space integral to an existing urban development scheme. This is not considered a sustainable form of development in the spirit of PCP3 and a refusal on this basis is recommended.

## 6.5.9 SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1

PPS7 directs 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.

# 6.5.10 The proposal is considered contrary to the requirements of Policy QD1, criteria a, b, and c in that:

 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;

In considering the surrounding context, the area is characterised by primarily residential development, with the addition of Clonallon Park further south-west and the site as green spaces. The dwellings along the western side of Well Road are primarily detached, set back from the road side and set within mature and relative plots. The existing development to the south, Rathdallan has changed the character of the area, with the introduction of more 44 dwellings, increasing the density and appearance of the overall area.

Notably, this area together with the site form part of a wider residential zoning which borders the settlement development limits, with open countryside to the east. The site has a prominent position when approaching from the north, close to the junction of Clonallon and Well Roads, including a roundabout.

Currently, the site offers a visual landscape setting to the wider established residential area and the backdrop of natural woodland contribute to the street scene and offers a natural buffer in the context of the wider zoning which borders countryside land to the east. The proposal would result in the loss of the open space and removal of established vegetation along the eastern boundary. I do not consider this would respect the surrounding context. In terms of the character and topography of the site, the layout is not considered appropriate in the specific context of this site as established open space for the existing residential development. The proposal is considered to fail criteria a in this regard in addition to DCAN 8 (Para 1.11, 1.12) and 'Creating Places' (Para 3.11.)

- 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 proposed development would not affect any known features of archaeological and built heritage. HED:HM advise that the development is acceptable to PPS6 and SPPS archaeological requirements. The site as discussed above however is established as a landscaped meadow of visual and biodiversity value. The proposed development would result in a significant loss of the existing landscape features which attribute to this, which is considered contrary to this requirement;
- 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;
  - Creating Places guides that on green-field sites and in lower density developments, all houses should have an area of private open space behind the building line. The indicative layout demonstrates that an appropriate and acceptable level private amenity space provision for 3 dwellings could be met.
- 6.5.11 Given the size of site and scheme proposed, public space would not be required to be provided specifically for the proposed 4 dwellings under PPS8 OS2. However as also considered above under OS2, the proposed development would result in a loss of open space / landscaped area for the wider established housing development at Rathdallan. I agree with the Commissioners view in Appeal ref 2008/A0279 that this loss of open space / landscaping would result in an unbalanced layout and constitute in an overall inadequate provision of public space on the wider site area (this site is established as being integral to that residential development and overall layout.) For this reason, this proposal would result in inadequate provision of open space / landscaped areas throughout the overall residential development to which the application site is intrinsically linked, rendering the proposal contrary to criteria c in addition to 'Creating Places' (Para, 5.01.)
- 6.5.12 Under PPS7 Policy QD2, a design concept statement is required for all residential development applications. This application has been accompanied by a comprehensive Design and Access Statement, which is sufficient in this regard on the basis of the scale and nature of the proposal. As discussed above, the site forms part of an existing residential development and wider land zoning for housing (committed) in the BNMAP 2015 (zoning WB08.)

The proposed development would constitute piecemeal development, resulting in an undesirable fragmentation of the overall residential layout and imbalance of associated infrastructure and facilities, including appropriate landscaped areas and areas of open space throughout the scheme, QD2 seeks to resist this type of piecemeal development is to be resisted, even on land identified for residential use in a development plan.

6.5.13 For the above reasons, the proposal would not result in a quality and sustainable residential environment as required by PPS7 QD1 and QD2.

## 6.5.14 PPS7 (Addendum) LC1 - criteria b)

Since the previous refusal on this site (and appeal) the second addendum to PPS7 was introduced in August 2010 which provides additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas, villages, and smaller settlements.

- 6.5.15 The application does not fully meet the requirements of Policy QD1 of PPS 7 and furthermore, fails to meet all criteria set out under Policy LC1 of the Addendum to PPS7.
- 6.5.16 Policy LC1 only permits new housing where all QD1 criteria are met, in addition to points a) to c) of LC1: In considering criteria a) to c,) for reasons outlined under QD1 criteria a,) the pattern of the proposed development is not in keeping with the overall character and environmental quality of the Established Residential Area. The pattern of development within the area comprises detached properties, separated by the application site which brings a welcome visual relief from the built form and is a long established area of green space of undeveloped land within this locality. Development of any nature on the application site would result in a loss of this open aspect, which currently defines the character of this locality and would subsequently adversely detract from the visual setting provided by both this portion of land and woodland backdrop to the site.

Furthermore, given that the site is an integral part of the original housing development at Rathdallan, the proposed development and loss of the open space provision on the site (and at the more densely developed northern section of the housing development,) would result in an unbalanced layout and pattern of development.

As such the proposed development of this portion of land is at odds with the established pattern of development, character and environmental quality exhibited at this location. rendering the proposal unacceptable to criteria b) of LC1.

## 6.6 PPS2 – Natural Heritage

- 6.6.1 The proposal does not fall within any of the thresholds listed in Schedule 1 or 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore an EIA is not required.
- 6.6.2 This proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) in addition to the Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015. A Habitats Regulation Assessment (HRA) screening has been carried out in line with the Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015 and it is considered that the proposal will not have a likely

- significant effect on any other European, National designated sites or Sites of Local Nature Conservation Importance (SLNCI,) and is satisfactory to policies NH1, NH3 and NH4 of PPS2.
- 6.6.3 Policy NH2 deals with Species Protected by Law and Policy NH5 with Habitats, Species or Features of Natural Heritage Importance. The objectors raise a number of concerns regarding the impact the proposal would have upon established protected species and their habitats, as outlined above.
- 6.6.4 DAERA are the competent authority in this regard: DAERA's Natural Environment Division (NED) having considered the information available (including an ecological report prepared by James O'Neill Associates Dec 2019) had serious concerns with the original proposal submitted (full permission / 4 detached dwellings,) rendering it contrary to Policy NH5 of PPS2. This included gueries regarding the survey findings (compared to a previous survey in 2017) and the requirement of a 25m exclusion zone / buffer from all sett entrances. The proposal at this stage was amended to outline permission for 3 no. detached dwellings (Category 1 Elderly) to address other planning concerns (PPS8) and in addition further ecological surveys were prepared (June 2021) and submitted to DAERA for consideration. NED visited the site and in considering the amended scheme and additional information, advised that the proposal is still contrary to NH5 requirements (specifically proposed 'dwelling 1', with the indicative footprint of proposed dwellings 2-4 acceptable,) concluding that an amended proposal with a reduction scheme size, which ensures a 25 metre development buffer as detailed is likely to be considered appropriate.
- 6.6.5 The scheme was further amended and reduced to 3 dwellings (as detailed on Site Concept Plan (Drawing no. 03B Rev B),) and NED were consulted on this basis. NED having considered the impacts of this amended proposal on natural heritage interests and, on the basis of the information provided, has no further concerns subject to conditions, which include mitigation.
  - In the event of an approval, these conditions will be necessary to ensure PPS2 requirements are met, however the amended scheme has in principle, addressed the previous concerns in relation to NH5.
- 6.6.6 Under Policy NH6 of PPS2, planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all the criteria a) to c) are met.
- 6.6.7 Having considered the information and available detail, the proposal (as amended) is considered contrary to criteria a) and b) of NH6 in that:
  - a) the siting of the development is considered unsympathetic to this locality (expanded on under PPS7, PPS8 discussion); and
  - b) the proposal does not respect, or conserve features of importance to the character, appearance or heritage of the landscape through the loss of landscaped and open space areas (expanded on under PPS7, PPS8 discussion);

## 6.7 PPS3 - Access, Movement and Parking, DCAN 15 and Parking Standards

6.7.1 The proposal seeks in principle the use of individual driveway accesses off Well Road to serve the three dwellings. The objectors' comments regarding road safety including pedestrian movement and safety are noted in this regard. A Transport Assessment is not required given the modest scale of development.

Dfl Roads offer no objections on road safety grounds as assessed against PPS3 and DCAN15 requirements. Determining weight is given to the advice of Dfl Roads in this regard. In the event of an approval, planning conditions will be required in line with Dfl's response dated 24<sup>th</sup> February 2020.

## 6.8 PPS15 (Revised) – Planning and Flood Risk / Drainage / Sewerage

- 6.8.1 DAERA's Water Management Unit refer to standard conditions and informatives for multiple dwellings. NI Water confirm that public water supply and foul sewers are available to serve the proposed dwellings. The Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal and an application to NIW is required to obtain approval to connect to the existing infrastructure.
- 6.8.2 Surface water is proposed to be discharged to storm drains. However NI Water advise that there are no surface water sewers to connect to, therefore the developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.
- 6.8.3 Foul sewage is proposed to be disposed of via mains system. NIW advise there is capacity at Warrenpoint WwTW.
- 6.8.4 As the site is shown to be prone to fluvial flooding (surface water,) in the south eastern area, DfI Rivers Agency was consulted. DfI Rivers Agency advise that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map.
  - Although a Drainage Assessment is not required by the policy, the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere (Policy FLD3.)
- 6.8.5 On the basis of the above, the proposal is acceptable in principle to PPS15 (revised) requirements. Planning conditions are necessary in the event of an approval in accordance with the guidance of both NIW and Rivers Agency to address these matters and ensure the necessary consents with the relevant authority are in place prior to commencement of development / occupation of the dwellings as necessary, in the interest of public health.

## 7.1 Summary recommendation:

- Material considerations (including objections, representations and letters of support, agent statements) and planning history have been considered.
   On balance, given the prevailing planning policy requirements and determining weight to the site history, refusal is recommended.
- The proposal when assessed against current site circumstances as well as prevailing policy requirements is considered contrary to the SPPS, PSRNI, PPS8, PPS12, PPS7, PPS7 (Addendum) and PPS2.
- This assessment and recommendation relates to Drawing No's 1692-01 -Site Location Map (date stamped 19 Dec 2019) and 03B Site Concept Plan(date stamped 12 Feb 2021)

## 8.0 Reasons for Refusal:

- 1. The proposal is contrary to Para 6.205 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy OS1 of the Department's Planning Policy Statement 8 (PPS8:) Open Space and Section 5 (Open Space) of the Department's 'Creating Places' in that the development would, if permitted, adversely affect the environmental quality of the urban area by reason of the loss of open space. The proposal does not merit being considered as an exceptional case in that it has not be adequately demonstrated that the development would if permitted:
  - bring substantial community benefit that outweighs loss of open space; or
  - that the loss of open space will have no significant detrimental impact upon the character of the locality

## The proposal is contrary to:

The Strategic Planning Policy Statement for Northern Ireland (SPPS;)
Policies QD1 and Criteria A, B and C and QD2 of the Department's Planning
Policy Statement 7 (PPS7): Quality Residential Environments;

Policy LC1 (Criteria B) of the Department's Planning Policy Statement 7 (PPS 7) Addendum; 'Safeguarding the Character of Established Residential Areas;' Policies PCP1, PCP2 and PCP3 of the Department's Planning Policy Statement 12 (PPS12): Housing in Settlements;

Policies DES2 and SP18 the Department's Planning Strategy for Rural Northern Ireland and:

DCAN8 and the Department's Creating Places in that:

- The site is established as open space (retained meadow) integral to a
  wider residential development and plays a significant role in defining
  the character of this locality. The loss of this existing open space and
  landscape features would result in an inadequate provision of public
  space and landscaped areas for the wider and overall residential
  development;
- The proposal constitutes piecemeal development and if approved, would result in an unbalanced and unsatisfactory layout of the overall

146

residential development. The proposal does not satisfactorily relate to its townscape setting, respect the layout of the existing housing development and does not demonstrate a sustainable form of residential development.

- The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area and the proposal if permitted, would significantly erode and result in unacceptable damage to the local character, environmental quality and amenity of the established residential area;
- The proposal is contrary to Para 6.187 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 2: Natural Heritage Policy NH6 (Criteria A and B) in that:
  - a) the siting of the development is considered unsympathetic to this locality;
  - b) the proposal does not respect, or conserve features of importance to the character and appearance of the landscape through the loss of woodland and open space areas.

Case Officer Signature: P. Rooney Date: 26/01/2022

Appointed Officer Signature: O. Rooney Date: 26/01/2022

**Annex 1: Case Officer Photographs** 



View towards the site from the roundabout at Clonallon / Well Road junction.



Site frontage along Well Road



Site frontage along Well Road





Part of the eastern boundary towards No.33 Clonallon Road

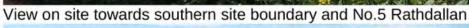


View on site towards western and southern boundaries



Eastern area of the site - existing vegetation







Views along Well Road looking south



North-eastern site boundary with Clonallon Road (taken from Clonallon Road.)



Area of Open Space remaining in southern section of Rathdallan residential development, as highlighted on the map below



## Annex 2 - Open Space Consideration





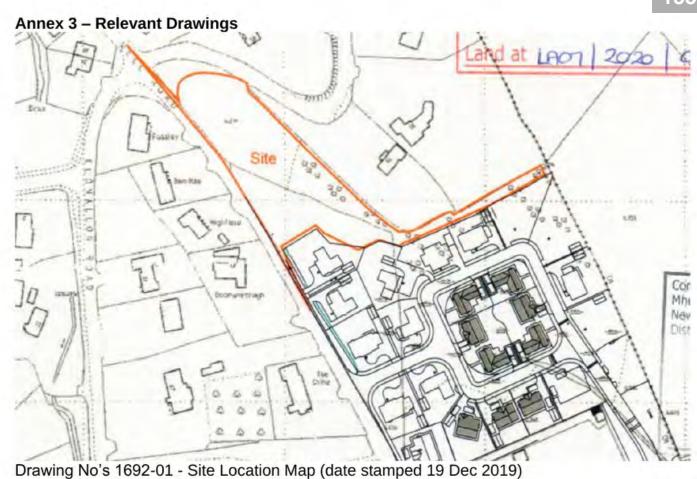
## ArcGIS Web Map

This printed extract is for private personal non-commercial use only. This printed extract is from OSNI / Land & Property Services (LPS) Intellectual Propersubject to © Crown Copyright 2021 SPNI.

The IP may not be further sub-licensed, sold, demonstrated, lent, or otherwise transferred or exploited without the prior written permission of LPS.

Printed: 06/12/2021

155





Drawing No.03B Site Concept Plan(date stamped 12 Feb 2021)



## Planning Committee Schedule of 9th February 2022

Planning ref LA07/2020/0074

Proposal: Proposed erection of 3 no. detached dwellings (Category 1 elderly,) in curtilage car-parking, landscaping / planned open space and other ancillary works.

Applicant: Mr Colm Meehan

Location Lands north of No.5 Rathdallan, Well Road and west of No.33 Clonallon Road Warrenpoint (adjacent to existing Rathdallan Housing Development)

Recommendation: Refusal

## Assessment / Rebuttal of Refusal Reasons

#### Refusal Reason No1

This reason for refusal addresses SPPS policy OS1 of PPS8 and Section 5 of the Departments Creating Places, these are the policies which are designed to address open space within residential development. The loss of such open space to this proposed residential development would bring no community benefit rather it would result in the loss of open space. The proposal would be detrimental to the character of the locality.

## Refusal Reason No2

This retained meadow defines the character of the existing residential area and any loss of open space must be resisted and it has to be stated that piecemeal development such as the proposal would leave unbalance and as such would affect the overall residential quality of the area as it does not respect the overall layout of the residential area and if permitted would erode the local character resulting in damage to the established residential area.

#### Refusal Reason No3

The proposed development is contrary to the SPPS relevant to Para 6.187 and PPS2 Natural Heritage Policy NH6.

This site lies within the AONB

The reduced scheme fails to meet the requirements of the Policy NH6 and does not respect or conserve the landscape due to loss of open space areas

#### The case for the objectors

The objectors who all hale from the local area are in agreement with the Planning Department's recommendation to refuse the proposal for outline permission for 3 No



dwelling units on this portion of open space. The merits of development of this meadow which forms an important part of the designated open space have been explored by previous planning submissions (P/2006/1917) and the previous submission been the subject of an independent hearing by the PAC (2008/A0279) which resulted in the appeal been dismissed and planning permission been refused.

The circumstances have not changed since that decision by the PAC and the current proposal does not demonstrate that the development will bring any benefit to the area rather it will erode and destroy a meadow and as such an area of associated open space.

The objectors have raised concerns in relation to previous attempts by developers to build on this area of meadow and the findings of the then Planning Authority and subsequently the result of the PAC hearing would suggest that the retention of this meadow as open space has merit and should continue to be used as open space providing habitat for protected species.

This proposal is at variance to planning policy, the objectors are in agreement with the recommendations put forward by Planning Department that this proposal should not benefit from the grant of a planning approval for the reasons stated.

#### Conclusion

We would respectfully ask the Planning Committee to take on board the sorted planning history of the site including the decision of the PAC and to recommend that this proposal is refused for the reasons put forward by the Planning Department and for the greater benefit of this locality as a whole.

RE: LA07/2020/0074/O - Application update

Dear Sirs,

I write to request speaking rights against the Council LPA recommendation to refuse planning permission. As required by the protocol, please see below headline rebuttal.

In the interim, please note an important <u>consultation issue</u> to be addressed pre committee to prevent undue prejudice at any future planning appeal for all parties.

While the refusal reasons quote a plethora of regional policy, the pertinent issue is the asserted loss of open space set out in reason 1 (quoting a previous dismissed planning appeal) . The rationale underpinning this refusal reason is flawed and requires re-consultation with DfC NIHE to clarify – see below.

#### CONTRARY TO SPPS PARA 6.205 PPS8 POLICY OS1:

The Council emphasises the term "substantial" as set out in para 6.4.10 to justify the refusal reason:

"6.4.10 In exercising professional judgement in this assessment, whilst it is acknowledged that there is scope for social housing in principle to merit an exception to OS1 by way of community benefit, the policy test is whether the redevelopment will bring 'substantial community benefits that decisively outweigh the loss of the open space' (emphasis added).

By providing 3 dwellings on this site out of the required 144 social housing units, this would equate to 2% of the required social housing need for Warrenpoint. In exercising professional judgement, this is not considered to constitute a 'substantial' (emphasis added) community benefit to decisively outweigh the loss of this open space. In this case, it is considered that the retention of the open space..."

Notwithstanding that both DfC NIHE and a registered housing association support the proposal which is typically sufficient to meet this test, the above statement is flawed insofar as the asserted 2% is incorrect and misleading. The calculation by the Council skews the specific tenure aimed at against ALL social housing unmet need (including all general needs) ratio in Warrenpoint. The Council's approach of basing their assessment of 'substantial community benefit' purely on the percentage of that need that the proposal would equate to is a gross over-simplification of the matter. The tenure (as per the description of the proposal) is for the elderly (note DfC preference includes complex needs which the applicant has no objection to) yet the Council have selected a wider baseline to calculate 2% undermining whether it is "substantial". To be fair and reasonable, the Council must consult the expert (DfC) for their view regarding:

- the number of unmet social housing <u>elderly and complex needs units</u> required to secure an accurate %(s); and
- 2) the view of DfC to assist the Council in terms of determining whether three units against the number of elderly/complex unmet need in this settlement, is substantial?

# 2. CONTRARY TO SPPS/PPS7 POLICIES QD1/QD2; PPS7A POLICY LC1 (CRITERIA B); PPS12; PSRNI; DCAN8 AND CREATING PLACES

The reason is unsustainable with the following points pertinent:

- The site is zoned housing land in the adopted plan. This plan published, post the appeal, determined it to be developed for housing;
- 2) The site, perceived as open space ("meadow"), was not integral but <u>incidental</u> following a protected species issue at that time relating to a primary badger sett which is no longer a constraint to consider this integral is misleading and conflation of the facts;
- The quantum of aggregate open space provided is sufficient;
- 4) The scheme cannot be considered piecemeal when the LDP itself determined the land zoned without any Key Site Requirement – this is irrational – the scheme will complete the wider development while ensuring a maintained open space buffer;
- It cannot be considered out of character of the area given that it is an urban and residential area;
- 6) There is no evidence to support that the scheme will have unacceptable damage to the environmental quality and amenity of the established residential area.

## CONTRARY TO PARA 6.187 SPPS AND PPS2 NH6 (CRITERIA A AND B)

For reasons related to refusal reason 2, the above is also unsustainable which the applicant will elaborate on at committee. Describing the site as woodland is factually incorrect.

Please confirm receipt and that speaking rights have been logged.

---ends---

Kind regards

Thomas



- 028 9043 4393 07423456876
- thomas@clydeshanks.com
- http://clydeshanks.com
- Second Floor, 7 Exchange Flace, Belfast, BT1 2NA



Application Reference: LA07/2021/1655/F

Date Received: 14.09.2021

**Proposal:** Public realm improvement scheme comprising resurfacing; new kerbing; new railings; installation of street furniture including picnic benches, seats, bins, cycle stands and bollards; replacement street and feature lighting; reconfiguration of existing car park; sea wall repairs; vegetation planting; new signage and entrance feature; upgrade of existing ramps to the faux beach adjacent to the baths to be made DDA compliant, complemented with the installation of new granite steps; and all associated works

Location: Lands along Warrenpoint Front Shore, adjacent to Marine Parade, Harbour Quays, Havelock Place, Osbourne Terrace and Seaview, Warrenpoint BT34

## 1. Site Characteristics & Area Characteristics:

- 1.1. The application site is located along Warrenpoint Front Shore, adjacent to Marine Parade, Harbour Quays, Havelock Place, Osbourne Terrace and Seaview. The application site includes an existing car parking, pedestrian footpaths, existing sea walls and access ramps onto the shore. The existing car has two vehicular access, one onto Havelock Place and the other onto Osbourne Promenade with several pedestrian accesses. The pedestrian walkway adjoins the public footpath at Osbourne Promenade and continues parallel to the shore until the Warrenpoint Baths.
- 1.2. The building abutting the development include several listed buildings, a mix of dwellings, flats and apartments and various commercial uses. The site is located within the Mournes AONB and an Area of Townscape character.

## 2. Site History:

LA07/2015/0369/F: Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/spa, Coffee shop and external venue space, Public toilets and all associated site works. Permission Granted. 18.01.2017

P/2012/0144/F: 200 (approximately) boat marina with floating pontoons, walkways, breakwater/training wall, revetments, 2 car/trailer parks, landscaped amenity area plus dredging and infilling of seabed. Permission Granted 07.09.2012.

P/2011/0012/LDP: General upgrading of the car park, paths and amenity area to include site furniture, landscaping, interpretative signage and entrance feature, upgrading of existing paths. Permitted Development 28.01.2011.

P/2005/2693/F: Provision of car park and minor works. Permission Granted 13.11.2006.

P/2007/0430/F: Erection of public safety CCTV cameras to be mounted on 8 metre poles where indicated on attached maps Permission Granted 08.06.2007

P/2007/1331/F: Public safety CCTV cameras to be erected at various locations around Warrenpoint town centre, cameras to be mounted on 8 metre poles. Permission Granted 09.11.2007.

P/1998/1581: Deep water quay, cargo handling area, training wall and stern loading ramp involving land reclamation, dredging and open space. Permission Refused. 03.05.2001

P/2005/2973/F; Erection of residential development comprising 5No. apartments (with access and parking provision via laneway to rear of Nos 8 and 9 Osborne Promenade and demolition of existing out-buildings). Permission Granted 01.12.2008.

P/1975/0346; Proposed Tourist Information Road Signs (Three). Permission Granted 18.06.1975.

P/1985/0136: Erection of boat store Permission Granted 19.03.1985.

P/1986/0480: Car Wash: Permission Refused 04.06.1996

P/1983/0921: Amenity Area. Permission Granted 16.08.1984.

P/1984/0735: Change of use from Customs House to Hot Food Carry Out. Permission Refused 10.06.1985.

P/1997/1079: Environmental improvement scheme comprising of; Low wall, hedges, street furniture, planting beds and street lighting. Permission Granted 12.05.1998

P/1988/0379: Provision of concrete slipway and extension to trailer set down area. Permission Granted 23.05.1988.

P/1989/0255: Change of use from disused customs house to meeting place for boat club. Permission Granted 27.04.1989.

## 3. Planning Policies & Material Considerations:

This application will be assessed under the following policy documents and guidance:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- PPS 6 (Addendum): Areas of Townscape Character

#### 4. Consultations:

Having account the nature of the proposals and constraints of the site and area, consultation has been undertaken with a number of bodies during the processing of this case. These include:-

Historic Environment Division (19/10/2021): Content.

**Dfl Roads** (21/12/2021): Content subject to conditions

Dfl Rivers (21/01/2022): Content

Shared Environmental Management Services (SES) 05/10/2021: The applicant, Newry, Mourne and Down District Council, is required as a Competent Authority to carry out a Habitats Regulations Assessment on this proposal as required in

accordance with Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

The proposal site is adjacent to Carlingford Lough and therefore hydrologically connected to Carlingford Shore SAC and Carlingford Lough SPA/Ramsar.

Shared Environmental Service will review the HRA on behalf of the Council Planning Department to ensure that it fulfils its obligations under the Habitats Regulations.

SES has reviewed the outline CEMP and requests that specific mitigation is detailed for the proposed slipway extension and seawall repairs.

## NIEA (21/12/2021):

Marine and Fisheries Division: Planning Authority must demonstrate how the impact has been considered and explore measures to address any adverse impact.

Having account the existing development and ground conditions/use, minor nature of the works proposed and information submitted in support of the application, it is considered the proposals will not result in any significant increased impact beyond existing to offend Marine and Fisheries Division comments, along this developed part of the coastline, and which by their nature will improve the appearance of the area and bring economic benefits. This is solely a public realm scheme.

Water Management Unit Water Management Unit: has considered the impacts of the proposal on the surface water environment and on the basis of the information provided are content subject to - All relevant statutory permissions are obtained, Any discharge consent conditions agreed, The applicant referring and adhering to standing advice

**Regulation Unit:** RU have no objection to the development provided Conditions & Informatives are placed on the planning decision notice, as recommended.

**Natural Environment Division (NED):** NED has considered the impacts of the proposal and on the basis of the information provided requires further information to be able to determine whether the proposal would have a likely significant effect. on a protected site.

## NED considers the following information should be submitted:

1. NIEA request that the contractor submits a final Construction Environmental Management Plan and finalised layout design including a site drainage plan for agreement prior to works commencing. This should reflect all the mitigation, and avoidance measures to be employed as outlined in the Outline Construction Environmental Management Plan (14/09/2021), as well as the recommendations

included above and all additional submitted information, as well as further detail regarding:

- The proposed seawall repairs, upgrade of existing ramps, extension of the existing slipway and construction of the granite steps.
- The proposed mitigation measures employed for protection of the designated sites and the marine environment during construction phase of the development.

The Planning Authority received further information in response to the comments from respective statutory bodies, with further consultations issued to Rivers Agency, NIEA and SES to address these comments.

## 5. Objections & Representations

60 Neighbouring properties were notified on 24.11.2021 and the application was advertised in a local newspaper on the06.10.2021.

No representations have been received to date (26-01-22).

#### 6. Consideration and Assessment:

## Strategic Planning Policy Statement for Northern Ireland

- 6.1. 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.
- 6.2. As outlined above, the proposals include a variety of works along a section of the front shore and footpath, extending from Havelock Place, to include the existing car park, and along Osborne Promenade, extending around the corner to the Warrenpoint Baths and close to the junction with Queen Street.
  - These works include resurfacing; new kerbing; new railings; installation of street furniture including picnic benches, seats, bins, cycle stands and bollards; replacement street and feature lighting; reconfiguration of existing car park; sea wall repairs; vegetation planting; new signage and entrance feature; upgrade of existing ramps to the faux beach adjacent to the baths to be made DDA compliant, complemented with the installation of new granite steps.
- 6.3. The overall scheme and the amendments made to the scheme will enhance the appearance of the conservation area and is of appropriate design and

materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS.

As identified in the Area Plan and by various consultees, this site and area includes a number of zonings and constraints to be considered. It effectively connects with Carlingford Lough and associated Shore SAC, SPA Ramsar and ASSI. As outlined above, extensive consultation has been carried out with a number of bodies as part of the processing and consideration of the case, to ensure all constraints are fully considered.

- 6.4. The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:
  - Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
  - To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

## PPS 3: Access, Movement and Parking

6.5. The lands comprising the application site include an existing car park. DFI Roads have been consulted and have no objection to the mix of proposals. the proposal is considered to satisfy the policy criteria of PPS 3.

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

- 6.6. Policy BH 11 Development affecting the Setting of a Listed Building states: The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:
  - (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
  - (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
  - (c) the nature of the use proposed respects the character of the setting of the building.
- 6.7. HED (Historic Buildings) is content with the proposal, when assessed under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of

Back to Agenda

the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

## PPS 6 (Addendum): Areas of Townscape Character

6.8. Policy ATC 2 New Development in an Area of Townscape Character states:

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

6.9. The proposal represents an aesthetic improvement of the existing development that will enhances its overall character and respects the built form of the area and therefore is considered to satisfy PPS 6(a).

## 7. Recommendation:

Taking into account the above, Approval is recommended subject to a number of conditions, and receipt of final comment from consultees.

## 8. Conditions:

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 60638820-SHT-10-0000-L-6002 REV PO bearing the date stamp 24th February 2021, 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.

 The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a 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 user.

4. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to the Planning Authority for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of any construction works hereby approved, to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. The works shall be carried out in accordance with the approved CEMP.

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

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

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

 The development hereby approved shall not be commenced until the developer/applicant has submitted to and received approval from the Department for a scheme for the highway improvements indicated generally on drawing No 60638820-SHT-10-0000-L-6002 REV PO dated 24th February 2021

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

No business shall be carried out from the development hereby permitted until the
works comprised in the highway scheme referred to in the condition above have
been fully completed and so certified by the Department in writing.

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

Details of signs and road markings to control the flow of traffic on the public road to be in accordance with the Traffic Signs Regulations (NI) 1997 shall be provided at the applicant's expense and to be in accordance with the Department's requirements prior to the site becoming operational.

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

Staggered Pedestrian gateway features to be erected to the satisfaction of the DFI Roads.

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

10.ALL Pedestrian crossing points / dropped kerbs shall be installed to current guidelines prior to the development coming into use.

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

11. No development shall commence until the Planning Authority has received in writing and agreed a suitable site investigation to determine soil quality, as detailed in AECOM Preliminary Risk Assessment report PR-60638820\_ACM\_ENV\_RP\_001\_02 dated 09 March 2021. In the event that this investigation identifies potential unacceptable risks to receptors, the requirements of Conditions 12 and 13 shall apply. These works are required ensure the land will be in a condition suitable for the proposed development.

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

12. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the 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 <a href="https://www.gov.uk/guidance/land-contamination-howto-">https://www.gov.uk/guidance/land-contamination-howto-</a> manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the 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.

13. After completing all remediation works under Condition 11 and prior to the development coming into use, a verification report needs to be submitted in writing

and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-therisks">https://www.gov.uk/guidance/land-contamination-how-to-manage-therisks</a>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

## Informatives

Notwithstanding the terms and conditions of the Department for Regional Development's approval set out above, the developer is required to enter into a licence agreement with the Department for Regional Development, Roads Service for the carrying out of the road works at Marine Parade Warrenpoint prior to the commencement of any works on the public road network.

Final details of the highway improvements directly related to the development referred to in condition 1, should be agreed with DFI Roads prior to the issue of the licence, which can take 3-4 months to process.

Notwithstanding the terms and conditions of the Department's approval set out above, the applicant is required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in the public roadway.

Traffic management arrangements to facilitate the construction of the development and associated road works hereby approved shall comply with the requirements of the Safety at Street Works and Road Works Code of Practice issued by the DFI Roads (Northern Ireland) under Article 25 of the Street Works (Northern Ireland) Order 1995. Detailed proposals shall be agreed with Traffic Management Section, Marlborough House Central Way Craigavon in advance of the commencement of any works that

may affect the public road network and, where appropriate, shall be subject to the approval of the PSNI Road Policing Unit.

The applicant must refer and adhere to the precepts contained in DAERA Standing Advice Culverting.

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

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

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

The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice Culverting.

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

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

The purpose of the Conditions 11 - 13 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and enduse of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

https://www.daera-ni.gov.uk/articles/waste-management-licensing

https://www.daera-ni.gov.uk/articles/waste-management-licensing-exemptions

https://www.daera-ni.gov.uk/articles/regulating-water-discharges

RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the

171

redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.

RU recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can be obtained from:

https://www.netregs.org.uk/environmental-topics/waste/storage-handlingandtransport-of-waste/site-waste-management-plans-swmp/

https://www.nibusinessinfo.co.uk/content/what-site-waste-management-planshouldcontain

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

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

Case Officer Signature: E McArdle

Date: 26-01-22

**Authorised Officer Signature:** 

M Keane

Date: 26-01-22

172

## TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean — proposed dwelling and garage — site abuting 20 Junction Road, Saintfield	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	Annette McAlarney	Legal Advice received.	N
		PLANNING MEETING - 13 FEBRUARY 2019			
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	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N

	between 54 and 58 Edenappa Road, Jonesborough				
b called		NNNG COMMITTEE MEETING 26 AUGUST 2020			
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting consultation response from DFI Roads on new info submitted.	N
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Application on hold to allow a Bat survey to be carried out by applicant. Survey season is May – August.	N
LA07/2019/1134/0	Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Committee overturn	Y
	PLAI	NNING COMMITTEE MEETING 23 SEPTEMBER 2020	X		
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	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	A Davidson	Under consideration by Planning Office	N
	PLAN	NING COMMITTEE MEETING - 05 MAY 2021			
LA07/2017/1779/F	Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to	Removed from the addendum list at the request of Planning Officers	A McAlarney	Under consideration by planning office	N

	planning approval LA07/2015/0782/F change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m				
	PLAN	NING COMMITTEE MEETING - 17 NOVEMBER 2021			
LA07/2020/1689/F -	Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage - Land 120m NW of 5 Donard Park & west of the existing Donard Park car park Newcastle	Removed from the schedule at the request of Planners	Annette McAlarney	Awaiting Consultee responses	N
LA07/2021/0911/F	Conversion of existing agricultural barn to self-contained holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF	Removed from the addendum list for full presentation at the next Committee Meeting	Mark Keane	Dec Planning Committee - Defer	N
LA07/2019/1653/F	Apartments, Bin store, Car parking and Associated Site Works Lands to the East of No 5 Ferry Quarter View and Lands to the North East of No 3 Ferry Quarter View Strangford	Defer for a site visit and a representative from Dfi be in attendance also	Annette McAlarney	site visit 07-01-2022 Feb 2022 Committee	N

	T	T	1	T	
LA07/2020/0653/O	Dwelling and garage. Approx 40m south west of 11 St Patrick's Circle Saul Downpatrick	Defer for a site visit	Annette McAlarney	site visit 07-01-2022 Feb 2022 Committee	N
LA07/2021/0758/O	Dwelling and garage - Lands immediately south of No. 40 Quarter Road Annalong BT34 4QZ.	Defer for 3 months to allow for additional medical consultants information to be forwarded to the Planning Department and also to have a site visit on this application.	Mark Keane	site visit 07-01-2022	N
LA07/2021/0586/O	Proposed dwelling and garage - Lands immediately south of No 7 Glenmore Road, Mullaghbane	Defer for a site visit to see what the situation on the ground was and to get a broader picture of what the situation was in relation to measurements.  Also the agent to provide a map/clearer visuals indicating the plot sizes as discussed.	Andrew Davidson	site visit 07-01-2022	N
LA07/2021/0816/0	Proposed replacement dwelling to create an infill dwelling Adjacent to No. 10 Hillhead Road, Newry, BT35 8TN	Defer for a site visit and also request that the Planning Department seek the information that Roads Service had requested from the agent and that it be provided swiftly by the agent to the satisfaction of the Department.	Patricia Manley	site visit 07-01-2022	N

LA07/2021/1041/O	Wateresk Road	Defer for a site visit	Annette McAlarney	site visit 07-01-2022 Feb 2022 Committee	N
	PLAI	NNING COMMITTEE MEETIN 12 JANUARY 2022	IG		
LA07/2021/0953/F	Lands approx. 55m north west of 108 Leitrim Road Hilltown Erection of 3 no. glamping pods as part of an agri-tourist/farm- diversification scheme.	Defer for a site visit	Mark Keane		Ń
LA07/2021/0329/O	To the rear of No.30 Grove Road Annalong Proposed replacement of redundant non residential building with new storey and half dwelling on former industrial ground to the rear of No. 30 Grove Road, and improvement accesses to Nos 28, 30 & 30A Grove Road	Defer for a site visit	Mark Keane		N
END					

#### 1. Live Applications

MONTH 2021/22	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS	
April 2021	206	1,195	232	
May 2021	204	1,238	228	
June 2021	172	1,219	236	
July 2021	176	1,190	224	
August 2021	152	1,174	226	
September 2021	182	1,175	226	
October 2021	188	1,188	232	
November 2021	184	1,158	234	
December 2021	112	1,097	232	
January 2022	160	1,128	232	

#### 2. Live Applications by length of time in system

Month 2021/22	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2021	770	193	81	54	97	1,195
May 2021	818	192	76	53	99	1,238
June 2021	777	206	82	43	111	1,219
July 2021	787	179	79	44	101	1,190
August 2021	754	194	84	49	93	1,174
September 2021	737	212	87	44	95	1,175
October 2021	724	232	85	46	101	1,188
November 2021	687	237	81	50	103	1,158
December 2021	623	242	78	48	106	1,097
January 2022	652	244	76	49	107	1,128

# 179

#### 3. Live applications per Case Officer

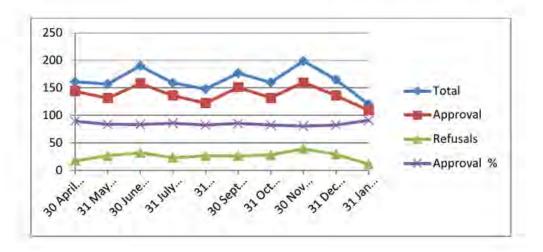
Month 2021/22	Average number of Applications per Case Officer
April	83
May	85
June	89
July	83
August	75
September	67
October	64
November 2021	66
December 2021	66
January 2022	69

#### 4. Decisions issued per month

Month 2021/22	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	161	155
May	157	146
June	190	184
July	159	150
August	148	145
September	177	166
October	160	155
November 2021	199	183
December 2021	165	147
January 2022	120	101

#### 5. Decisions Issued YTD

Month 2021/22	Number of Decisions Issued	Breakdown of Decisio	ns	
April	161	Approvals (144)	89%	
April	101	Refusals (17)	11%	
May	318	Approvals (275)	86%	
may	316	Refusals (43)	14%	
June	508	Approvals (433)	85%	
June	506	Refusals (75)	15%	
1.60	667	Approvals (569)	85%	
July	667	Refusals (98)	15%	
August	815	Approvals (691)	85%	
	912	Refusals (124)	15%	
Paratal base	002	Approvals (842)	85%	
September	992	Refusals (150)	15%	
October	1452	Approvals (974)	85%	
October	1,152	Refusals (178)	15%	
November	1 251	Approvals (1,134)	84%	
November	1,351	Refusals (217)	16%	
December	1,516	Approvals (1,270)	84%	
December	1,516	Refusals (246)	16%	
1-mu-mu 2022	1000	Approvals (1,379)	84%	
January 2022	1,636	Refusals (257)	16%	



# Newry, Mourne & Down District Council - January 2022

# 6. Enforcement Live cases

Month 2021/2022	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	285	133	127	122	62	101	830
Мау	291	134	122	128	64	104	843
June	267	132	121	136	60	102	818
July	269	134	114	137	68	102	824
August	266	132	107	133	71	103	812
September	279	136	103	129	71	102	820
October	269	121	99	126	65	101	781
November	248	129	93	123	60	98	751
December	244	126	85	126	59	92	732
January 2022	223	127	82	117	62	95	706

# 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
8 April 2021	14	11	3	3
5 May 2021	16	8	8	3
2 & 30 June 2021 (Meetings cancelled)	8	8		- 0
28 July 2021	15	7	8	2
25 August 2021	15	9	6	6
22 September 2021	13	10	3	5
20 October 2021	25	22	3	6
17 November 2021	19	10	9	4
15 December 2021	20	13	7	9
12 January 2022	12	9	3	8
Totals	149	99	50	46

# Newry, Mourne & Down District Council - January 2022

8. Appeals

Planning Appeal Commission Decisions issued during period 1 July 2021 to 31 January 2022

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	30	0		12	
Down	41	0	-	(+)	
TOTAL	71	0	-		*1

#### Statutory targets monthly update - December 2021 (unvalidated management information) Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Numb er receiv ed	Number decided/ withdra wn1	Average processi ng time <sup>2</sup>	% of cases process ed within 30 weeks	Numb er receiv ed	Number decided/ withdra wn <sup>1</sup>	Average processi ng time <sup>2</sup>	% of cases process ed within 15 weeks	Numb er opene d	Number brought to conclusi on <sup>3</sup>	"70%" conclusi on time <sup>3</sup>	% of cases conclud ed within 39 weeks
April	2		0.0	0.0%	171	143	16.6	43.4%	44	19	69.8	52.6%
May	2	1	35.4	0.0%	159	137	17.2	41.6%	31	30	57.0	66.7%
June	1	1	49.8	0.0%	179	173	16.8	42.8%	38	41	85.8	46.3%
July	0		0.0	0.0%	124	136	17.0	41.2%	38	27	85.2	51.9%
August	0	2	0.0	0.0%	138	140	17.1	38.6%	35	67	89.2	53.7%
Septem ber	2	ن .	0.0	0.0%	149	166	19.8	28.3%	48	37	158.4	37.8%
October	0	-	0.0	0.0%	159	147	17.8	34.0%	27	75	122.0	40.0%
Novemb er	0	2	75.3	0.0%	145	173	20.2	32.9%	25	69	129.2	44.9%
Decemb er	0	1	31.4	0,0%	67	141	22.2	30.5%	14	34	178.7	38.2%
January	0		0.0	0.0%	0		0.0	0.0%	0	-	0.0	0.0%
Februar y	0		0.0	0.0%	0		0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	4	0.0	0.0%	0	-	0.0	0.0%
Year to date	7	5	49.8	0.0%	1,291	1,356	18.4	36.9%	300	399	108.8	46.9%

Source: NI Planning Portal

184

#### Notes:

- 1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures
- 2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".
- 3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

186

AUTHORITY Newry, Mourne and Down

ITEM NO

- 19

Planning Ref:

LA07/2019/1313/

EDB Construction Ltd

APPELLANT LOCATION

58 Armagh Road

Newry

**PROPOSAL** 

Demolition of existing building and erection of apartment development

PAC Ref:

DEA

APPEAL TYPE

DC - Non Determination of a Planning Application

**Appeal Procedure** 

Informal Hearing

Date Appeal Lodged

13/11/2019

2019/A0159

Newry

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

2

Planning Ref:

LA07/2019/1130/

PAC Ref:

2019 /A0248

APPELLANT

Mr James Rogan

DEA

The Mournes

10/03/2020

LOCATION

Site Adjacent To 33 Dunwellan Park

Newcastle

PROPOSAL

New end terrace Dwelling with associated site works

APPEAL TYPE

DC- Refusal of Planning Permission

**Appeal Procedure** 

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

ITEM NO

3

Planning Ref: APPELLANT LA07/2017/1559/

EDB Constructions Ltd

LOCATION

58 Armagh Road

Newry

PROPOSAL

Demolition of existing dwelling and erection of 7 No. 2 bedroom

apartments (7 in total) (change of description)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

PAC Ref:

DEA

16/07/2020

2020/A0002

Newry

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**Date of Site Visit** 

ITEM NO

4

Planning Ref: APPELLANT LA07/2019/1021/

PAC Ref: DEA 2020/A0003 Rowallane

16/07/2020

LOCATION

Mrs E Fitzsimons

53A Saintfield Road

Crossgar

PROPOSAL

Retention of building in substitution of previous approval

LA07/2015/1224/F

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

## **Current Appeals**

ITEM NO

Planning Ref:

LA07/2020/0836/

PAC Ref: DEA

2020/A0103 Rowallane

APPELLANT LOCATION

Adjacent And South Of 40 Craigy Road

Craignasasonagh

Mr Dodds

PROPOSAL

Saintfield Erection farm animal shelter and wintering shed

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

12/11/2020

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2019/1119/

PAC Ref:

DEA

2020/A0124

Slieve Croob

APPELLANT LOCATION

John McKay

75 Mill Hill

Castlewellan

PROPOSAL

2 semi-detached dwellings and 1 detached dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

25/01/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

189

ITEM NO

7

Planning Ref:

LA07/2020/0027/

PAC Ref: DEA 2020/A0126 Downpatrick

APPELLANT LOCATION Judy Meharg 7 Rocks Road

Ballyhornan

PROPOSAL

Wooden hut on a raised deck (retrospective)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

22/01/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

8

Planning Ref:

LA07/2020/1072/

PAC Ref:

2020/A0142

APPELLANT

Chris Ball

67 St Patricks Avenue

DEA

Downpatrick

LOCATION

Of St Fatricks Aven

Downpatrick

PROPOSAL

Change of use from commercial/office to a 2 bedroom dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

15/02/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

190

ITEM NO

Planning Ref:

LA07/2020/1485/

PAC Ref:

DEA

2020/A0145 Slieve Croob

APPELLANT LOCATION

Leo Mcgrenaghan Land Adjacent To 32 Teconnaught Road

Downpatrick

PROPOSAL

Dwelling House

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

12/02/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

10

Planning Ref:

LA07/2018/0293/

PAC Ref:

2020/A0156

APPELLANT

Paul McEvoy

DEA

Rowallane

LOCATION

Opposite 49 And Adjacent To 56 Darragh Road

Darraghcross

PROPOSAL

Erection of housing development consisting of 3 pairs of semi-detached

dwellings, 1 detached chalet dwelling and 1 detached bungalow

fronting Darragh Road.

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

15/03/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

191

ITEM NO

11

Planning Ref:

LA07/2018/1616/

PAC Ref:

2020/C002

APPELLANT

David Trevor Shields

DEA

The Mournes

LOCATION

Approximately 35 Metres South East Of 8 Ballinran New Road

Kilkeel

PROPOSAL

RT34 47N Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at

rear of site, with loading bay.

APPEAL TYPE

DC- EIA Determination - app ES is required

Appeal Procedure

Formal Hearing

Date Appeal Lodged

11/08/2020

2021/0153 The Mournes

01/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

12

Planning Ref: APPELLANT

LA07/2021/0159/

Mr & Mrs S Morrison

LOCATION

37 Ballagh Road

Newcastle

PROPOSAL

Proposed Replacement two-storey split level dwelling with retention of

PAC Ref:

DEA

existing dwelling for ancillary use

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

#### **Current Appeals**

ITEM NO

13

Planning Ref: APPELLANT

LA07/2020/0258/ Johnny Farrell

LOCATION

49a Greenan Road

Newry

PROPOSAL

Co. Down Retention of construction access with new improved sight lines-

previously approved under P/2011/0702/F

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

PAC Ref:

DEA

20/08/2021

2021/A0008

Crotlieve

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2020/1568/

PAC Ref:

2021/A0009

APPELLANT

Mr & Mrs Pat Haves

DEA

Slieve Croob

LOCATION To The Rear And Immediately South West Of 62 Crawfordstown

PROPOSAL

Retrospective extension to domestic curtilage, construction of garden

feature and greenhouse along with all associates hard and soft

landscaping.

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

18/05/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

193

ITEM NO

15

Planning Ref:

LA07/2020/1187/

PAC Ref:

2021/A0013

APPELLANT

Norman Harvey

DEA

Rowallane

LOCATION

Approx. 25m South Of 32 Kilmore Road

Crossgar

PROPOSAL

Dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

19/05/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2020/1360/

PAC Ref:

DEA

2021/A0022

APPELLANT

Charlie Magennis

The Mournes

09/06/2021

LOCATION

Base And Morelli's 71-73 Central Promenade

PROPOSAL

Newcastle Proposed erection of temporary retractable awning and lightweight

structure

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

#### **Current Appeals**

ITEM NO

17

Planning Ref:

LA07/2020/0920/

PAC Ref:

2021/A0028 Crotlieve

APPELLANT LOCATION

Michael McCarthy & Jarleth McCart DEA North East And Adjoining No 9 Rock Road

Newry

PROPOSAL

Dwelling on a Farm with Domestic Garage

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Informal Hearing

Date Appeal Lodged

08/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

18

Planning Ref:

LA07/2020/1077/

PAC Ref: DEA

2021/A0031 Crotlieve

APPELLANT LOCATION

Mr Eammon McAteer 12 Cullion Road

Mayobridge

PROPOSAL

Improvements to existing lorry parking area, erection of a building for

the maintenance of lorries and collection and compacting of cardboard,

polystyrene for transfer to re cycling centers

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

25/05/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

## **Current Appeals**

ITEM NO

19

Planning Ref:

LA07/2021/0146/ Paul Wilson PAC Ref: DEA 2021/A0032 Slieve Croob

APPELLANT LOCATION

75 Dromore Road

Ballykine Upper

PROPOSAL

Rallynahinch Erection of replacement dwelling, detached garage and conversion of

existing dwelling to stables

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

25/05/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

20

Planning Ref:

LA07/2021/0096/

PAC Ref:

2021/A0033

APPELLANT

Mr Bailey

DEA

Rowallane

LOCATION

18a Drumgivan Road

Drumgivan

PROPOSAL

Ballynahingh Extension and renovation of Schoolhouse to domestic dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

**Appeal Procedure** 

Date Appeal Lodged

25/05/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

# **Current Appeals**

ITEM NO

21

Planning Ref:

LA07/2020/0770/

PAC Ref:

2021/A0034

APPELLANT

Jamie McDonald

DEA

Newry

LOCATION

Lands Approx. 40m NE Of 29 Clontigora Hill

Newry

PROPOSAL

Infill dwelling and garage, associated landscaping and site works

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

25/05/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

22

Planning Ref:

LA07/2020/0115/

PAC Ref:

2021/A0046

APPELLANT

Brendan Ferris

DEA

Slieve Croob

LOCATION

110 Southwest Of 50 Crawfordstown Road

Downpatrick

PROPOSAL

Retrospective change of use of agricultural building to gym

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

28/06/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

## **Current Appeals**

ITEM NO

23

Planning Ref:

LA07/2020/0079/

PAC Ref:

2021/A0049

APPELLANT

M Farrell

DEA

Newry

LOCATION

Lands Approximately 50m North West Of No. 53 Ayallogue Road

Newry

PROPOSAL

Dwelling and garage on gap site

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

14/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

24

Planning Ref:

LA07/2020/1828/

PAC Ref:

2021/A0051

APPELLANT

Richard Hall

DEA

Slieve Croob

LOCATION

Adjacent And Immediately North Of 42 Old Belfast Road

Dundrum

PROPOSAL

Mawcastle Infill site for dwelling with domestic garage

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

**Date Appeal Lodged** 

16/06/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

#### **Current Appeals**

ITEM NO

25

Planning Ref:

LA07/2021/0616/

PAC Ref:

2021/A0052

APPELLANT

Andrew Davis

DEA

Downpatrick

LOCATION

East And Adjacent To 4 Turmennan Road

Crossgar

PROPOSAL

Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

21/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2021/0302/

PAC Ref:

DEA

2021/A0058 Rowallane

APPELLANT LOCATION

Anne Mullan

20 Darragh Road

Crossgar

PROPOSAL

Retention of dwelling as annexe to 20 Darragh Road, Crossgar, with

construction of new garage link (Retrospective)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

28/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

## **Current Appeals**

ITEM NO

27

Planning Ref:

LA07/2020/0387/

PAC Ref:

2021/A0074

APPELLANT

Mr C O'Connor

DEA

Slieve Croob

LOCATION

59 Drumnaquoile Road

Castlewellan

PROPOSAL

Change of house type and siting in substitution to Planning permission

LA07/2018/1590/F

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

21/07/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

28

Planning Ref:

LA07/2021/0450/

PAC Ref:

2021/A0075

APPELLANT

Paul Smith

DEA

The Mournes

28/07/2021

LOCATION

57 Castlewellan Road

Newcastle

**PROPOSAL** 

Artist studio and study to existing dwelling, for domestic use associated

with the dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**200** 

ITEM NO

29

Planning Ref:

LA07/2020/1830/

PAC Ref:

2021/A0083

APPELLANT

Briege McComiskey

DEA

Crotlieve

LOCATION

Approx 160m North West Of No.26 Leade Road

Hilltown

PROPOSAL

Newry Erection of dwelling and domestic garage on a farm

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

03/08/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

30

Planning Ref:

LA07/2020/1702/

PAC Ref:

2021/A0088

APPELLANT

Mr Hewitt

DEA

Rowallane

LOCATION

North West And Adjacent To 59 Glasswater Road

Creevycarnon

PROPOSAL

Crossnar Erection of Sheltered Accommodation for the Elderly

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

11/08/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

201

ITEM NO

31

Planning Ref:

LA07/2020/0936/

PAC Ref:

DEA

2021/A0092 Crotlieve

APPELLANT LOCATION

Mr James Hughes Mountview Business Park

Rathfriland Road

PROPOSAL

Replacement free standing vertical sign with logos to both faces

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

17/08/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

32

Planning Ref:

LA07/2021/0055/

PAC Ref:

2021/A0105

APPELLANT

Heather & Stephen Verner

DEA

Rowallane

LOCATION

Adjacent & 40m North Of 22 Tullyveery Road

Killyleagh

PROPOSAL

Dwelling and garage

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

**Date Appeal Lodged** 

17/09/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

202

ITEM NO

33

Planning Ref:

LA07/2021/0790/

PAC Ref:

2021/A0107

APPELLANT

Mr & Mrs Wayne Garrett

DEA

Rowallane

LOCATION

135m South Of 58 Carsonstown Road

Saintfield

PROPOSAL

Single dwelling and garage

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

14/09/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**Date of Site Visit** 

ITEM NO

34

Planning Ref:

LA07/2021/0473/

PAC Ref:

DEA

2021/A0109

The Mournes

APPELLANT LOCATION

Rhys Dowsall

5 Killowen Road

Rostrevor

PROPOSAL

Retention of mobile home on concrete hardstanding

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

**Date Appeal Lodged** 

16/09/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

203

ITEM NO

35

Planning Ref:

LA07/2020/1834/

PAC Ref:

2021/A0112

APPELLANT

Mr & Mrs Christopher Kelly

DEA

Slieve Croob

LOCATION

Approx. 200m SE Of No. 36 Mountain Road

Ballynahinch

PROPOSAL

Dwelling on a Farm

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

28/09/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2018/0932/

PAC Ref:

2021/A0116

APPELLANT

Dynes Bros

DEA

Downpatrick

LOCATION

No's 12 And 14 St Patrick's Way And Lands Between 12 And 14 St

Patrick's Way Ballyhornan Road Ballyalton Downpatrick (amended

PROPOSAL

Address)
Detached dwelling on lands between 12 and 14 St Patrick's Way and amendments to existing dwellings 12 and 14 to provide additional

lands, landscaping and amendments to previously approved parking

arrangements. (Amended Proposal)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

13/10/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

204

ITEM NO

37

Planning Ref:

LA07/2019/1206/

PAC Ref:

2021/A0118

APPELLANT

Kilbroney Timberframe Limited

DEA

Newry

LOCATION

Land At 76 Canal Street

Newry And Lands 15 Metres North Of 31-43 Catherine Street

PROPOSAL

Proposed 8 dwellings (2 blocks of four terrace dwellings)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

13/10/2021

2021/A0120

Rowallane

15/10/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**Date of Site Visit** 

ITEM NO

38

Planning Ref:

LA07/2021/0762/

Mr B McCallister

APPELLANT LOCATION

70 Old Relfast Road

70 Old Belfast Road

Saintfield

PROPOSAL

Extension to curtilage of dwelling to provide additional access to rear of

PAC Ref:

DEA

dwelling, double garage/garden store with games room over.

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

205

ITEM NO

39

Planning Ref:

LA07/2020/0921/

PAC Ref:

2021/A0122

APPELLANT LOCATION

Alan Humphries Adjacent To 127a Shore Road DEA

Downpatrick

Kilclief

PROPOSAL

Dwelling and garage

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

18/10/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

40

Planning Ref:

LA07/2020/1002/

PAC Ref:

2021/A0128

Slieve Gullion

APPELLANT LOCATION

Cathal McGroder & Moira Fegan

DEA Site 50m West Of 15 O'Callaghan Road

Tullydonnell

PROPOSAL

Silverbridge Proposed erection of a dwelling house and garage.

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

28/10/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

206

ITEM NO

41

Planning Ref: APPELLANT

LA07/2021/0092/

Mr Paul Henry Murney

LOCATION

39 Chapel Hill Road

Mayobridge

PROPOSAL

Newry Retention of agricultural shed used for the wintering of animals and the

PAC Ref:

DEA

storage of fodder and farm machinery

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

04/11/2021

2021/A0137

Crotlieve

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

42

Planning Ref:

LA07/2021/0174/

PAC Ref:

2021/A0138 Crotlieve

APPELLANT

Mary Boal

DEA To The Rear Of No. 56 Milltown Street

LOCATION

Burren

PROPOSAL

Warrennoint Proposed dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

04/11/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

207

ITEM NO

43

Planning Ref:

LA07/2021/1066/

PAC Ref:

2021/A0141

APPELLANT

Sean & Linda Tumelty

DEA

Slieve Croob

LOCATION

Adjacent To And North West Of 150A Vianstown Road

Downpatrick

PROPOSAL

Single Dwelling House

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

10/11/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2020/0518/

PAC Ref:

2021/A0143

APPELLANT

Mr Alan Milne

DEA

Slieve Gullion

LOCATION

100m North Of 245 Armagh Road

Tullyhappy

PROPOSAL

Retention of replacement agricultural store

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

**Date Appeal Lodged** 

17/11/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

208

ITEM NO

45

Planning Ref:

LA07/2021/0536/

PAC Ref:

2021/A0148

APPELLANT

Messrs. M & P Fitzsimons

DEA

Downpatrick

LOCATION

Lands 186m Due West Of 83 Crew Road

Ardglass

PROPOSAL

Downnatrick Proposed building for mixed use agricultural purposes.

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

23/11/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2019/1375/

PAC Ref:

2021/A0149

APPELLANT

Cacola Ltd

DEA

Slieve Croob

LOCATION

Lands Immediately South Of 17 Leitrim Road Ballymaginaghy

Castlewellan Co Down

PROPOSAL

Erection of 2 Dwellings

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

**Date Appeal Lodged** 

01/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**209** 

ITEM NO

47

Planning Ref:

LA07/2021/1061/

PAC Ref:

2021/A0150

APPELLANT

Mr Dermot O'Hare

DEA

Crotlieve

LOCATION

Lands Between 17A And 17B Hilltown Road

Mayobridge

PROPOSAL

RT34 2A.I Proposed dwelling and garage

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

02/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

Planning Ref:

LA07/2019/1490/

PAC Ref:

2021/A0154

APPELLANT

Castlehinch Ltd

DEA

Rowallane

LOCATION

North Of 7 And 9 Saintfield Road

Ballynahinch

PROPOSAL

Vary condition 10 of planning approval R/2011/0648/F:

Condition 10: No other development hereby permitted shall be

commenced until the works necessary for the improvement of a public

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

02/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

210

ITEM NO

49

Planning Ref: APPELLANT LA07/2021/0502/ Mr & Mrs J Wade

LOCATION

71 Lisburn Road

Lisdalgan

PROPOSAL

Saintfield Replacement dwelling and conversion of existing dwelling to domestic

PAC Ref:

DEA

store

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

01/12/2021

2021/A0158

Rowallane

03/12/2021

2021/A0156 Rowallane

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

50

Planning Ref: APPELLANT LA07/2019/1262/

SJ Anderson & Sons 11 Lisburn Road

Ballynahinch

PROPOSAL

LOCATION

Replacement of existing dwelling with 4 townhouses and associated

PAC Ref:

DEA

site works

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

ITEM NO

51

Planning Ref:

LA07/2021/0639/

PAC Ref:

2021/A0161

APPELLANT

Declan Clarke

DEA

Newry

LOCATION

PROPOSAL

Located Upon Lands Approximately 5o Meters North Of No 33

Ferryhill Road

Clontygora Proposed Erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

14/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

52

Planning Ref:

LA07/2021/0578/

PAC Ref:

2021/A0162

APPELLANT

Mr Brendan Quinn

DEA

Slieve Gullion

LOCATION

Located Upon Lands Approximately 40m South East Of No. 20

Creamery Road

PROPOSAL

Proposed erection of a rural infill detached dwelling house together with detached domestic garage, site works and associated landscaping

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

14/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

ITEM NO

53

Planning Ref:

LA07/2021/0361/

PAC Ref:

2021/A0163

APPELLANT

Gerard Murphy

DEA

Slieve Gullion

LOCATION

Approximately 84 Metres North East Of No. 2 Milltown Road

Lislea

PROPOSAL

Proposed erection of an agricultural storage building and associated

site works

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Written Reps

Date Appeal Lodged

14/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

54

Planning Ref:

LA07/2020/1025/

PAC Ref:

2021/A0168

APPELLANT

Patrick Fitzsimons

DEA

Downpatrick

14/12/2021

LOCATION

Adjacent To And North West Of 59 Annacloy Road

Downpatrick

PROPOSAL

Proposed dwelling accessed by existing entrance and proposed new

entrance for 59 Annacloy Road, Downpatrick

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

213

ITEM NO

55

Planning Ref:

LA07/2021/0066/

PAC Ref:

2021/A0169

APPELLANT LOCATION Mr Peter Connolly

DEA

Newry

. . . . .

3 River Street Newry BT34 1DQ

PROPOSAL

Conversion of commercial property to four number self contained one

bedroom apartments

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

15/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

56

Planning Ref:

LA07/2021/0552/

PAC Ref:

2021/A0173

APPELLANT

Stephen Grogan

DEA

Crotlieve

LOCATION

Between 1a And 1b Mullavat Road

Newry

PROPOSAL

Private dwelling on gap/infill site (two storey requested)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

17/12/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

ITEM NO

57

Planning Ref:

LA07/2021/0408/

PAC Ref:

2021/A0177

APPELLANT

Irwin Carr Consulting Ltd

DEA

Crotlieve

LOCATION

Lands Located To The Rear Of No. 7 Osbourne Promenade

(together With Rear Access And Parking From Great Georges Street

PROPOSAL

South)
Proposed Retention of Existing Office/Storage Building to be used in

conjunction with No. 7 Osbourne Promenade (amended description)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

20/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

58

Planning Ref:

LA07/2020/0982/

PAC Ref:

2021/A0178

APPELLANT

Mr Noel McKevitt

DEA

LOCATION

Lands Approximately 55 Metres North West Of No.5 Upper Fathom

Newry

Road

PROPOSAL

Fathor I ower Proposed erection of 2 No. Rural infill detached dwelling houses and

detached garages, rural entrance pillars and gates, additional

landscaping and associated site works.

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

20/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

215

ITEM NO

59

Planning Ref:

LA07/2021/0598/

PAC Ref:

2021/A0179

APPELLANT

Ryan Kelly

DEA

Slieve Croob

LOCATION

Adjacent To 104 Downpatrick Road

Ballynahinch

PROPOSAL

Farm dwelling, detached garage and site works

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

22/12/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**Date of Site Visit** 

ITEM NO

60

Planning Ref:

LA07/2021/0246/

PAC Ref:

2021/A0182

APPELLANT

Gerard Milligan

DEA

The Mournes

LOCATION

Immediately North-west Of 102 Tullybrannigan Road

Newcastle

PROPOSAL

Proposed 3no, self contained tourism units

APPEAL TYPE

DC- Refusal of Planning Permission

**Appeal Procedure** 

Date Appeal Lodged

05/01/2022

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

216

ITEM NO

61

Planning Ref:

LA07/2021/0428/ Michael Berrill

PAC Ref: DEA

2021/A0185 Newry

APPELLANT LOCATION

Casa Bella Interiors

4 The Mall

PROPOSAL

Newry Replacement of existing shop front sign

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

06/01/2022

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

62

Planning Ref:

LA07/2021/1747/

PAC Ref:

2021/A0186

APPELLANT

Walter Watson

DEA

Slieve Croob

LOCATION

Site Between 121 And 121a Ballylough Road

Castlewellan

PROPOSAL

New Infill Dwelling (CTY 8)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

**Date Appeal Lodged** 

10/01/2022

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

ITEM NO

63

Planning Ref:

LA07/2021/0339/

PAC Ref:

2021/A0192

APPELLANT

Mr Daniel Clarke

DEA

Rowallane

LOCATION

Lands Approx. 30m To North East Of No 16 Ringhaddy Road

Killinchy

PROPOSAL

Proposed site for dwelling in accordance with Policy CTY8 of PPS21

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

14/01/2022

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**Date of Site Visit** 

ITEM NO

64

Planning Ref:

LA07/2020/1796/

PAC Ref:

2021/A0196

APPELLANT

Joseph McKevitt

DEA

Crotlieve

LOCATION

Immediately North West Of No. 4 Aughnamoira Road Warrenpoint

BT34 2PR

PROPOSAL

Erection of dwelling (amended address)

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

**Date Appeal Lodged** 

14/01/2022

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

218

ITEM NO

65

Planning Ref:

LA07/2021/1407/

PAC Ref: DEA

2021/A0197 Rowallane

APPELLANT LOCATION

Mr & Mrs Orr Adjacent To 60 Carsonstown Road

Carsonstown

PROPOSAL

Saintfield Erection of Replacement Dwelling and Retention of existing building as

outbuilding

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

18/01/2022

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

66

Planning Ref:

LA07/2021/0956/

PAC Ref:

2021/A0200

APPELLANT

David Og Downey

DEA

Newry

LOCATION

101m North West Of No.60 Lower Foughill Road

Jonesborough

PROPOSAL

Proposed off site replacement dwelling and associated site works

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

24/01/2022

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

219

ITEM NO

67

Planning Ref:

LA07/2021/0620/

PAC Ref: DEA

2021/A0203

APPELLANT

Mr Martin Russell

Slieve Croob

LOCATION

Magheralagan Corn Mill Opposite 68 Drumcullan Road

PROPOSAL

Downnatrick Restoration and Conversion of Magheralagan Corn Mill to single

dwelling

APPEAL TYPE

DC- Refusal of Planning Permission

Appeal Procedure

Date Appeal Lodged

25/01/2022

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

68

Planning Ref:

LA07/2020/1906/

PAC Ref:

2021/E0010

APPELLANT

Eamonn McAteer McAteer Recyclin DEA

Crotlieve

LOCATION

Lands At And To The Rear Of No. 12 Cullion Road

Mayobridge

PROPOSAL

Newry Existing area, yard and access, for storage, parking and circulation of

vehicles associated with McAteer Recycling Ltd, and all associated site

works and infrastructure

APPEAL TYPE

DC- Refusal of CLUD

Appeal Procedure

Date Appeal Lodged

10/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

220

ITEM NO

69

Planning Ref:

LA07/2020/0622/

PAC Ref:

2021/E0013 LDC

APPELLANT

Mr Robert Hollywood

DEA

Slieve Gullion

LOCATION

Located Upon Lands Approximately 100 Meters North West Of No.34

Church Road

PROPOSAL The

Shean The use of the building is agricultural and used for agricultural storage

purposes associated with the existing farm enterprise

APPEAL TYPE

DC- Refusal of CLUD

Appeal Procedure

Written Reps with Site Visit

Date Appeal Lodged

09/06/2021

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO

70

Planning Ref:

LA07/2020/1532/

PAC Ref:

2021/E0014 LDC

APPELLANT

Ms Colleen McGinnis

DEA

Crotlieve

LOCATION

Lands At No.33B Ballyvally Road

Ballyvally

PROPOSAL

Mayobridge The applicant is seeking a Certificate of Lawfulness (COLEUD) for an

existing use or development in relation to an existing access

arrangement, hardcore access laneway, 2 No ancillary oil tanks and boiler enclosure, ancillary 1 No detached timber garage, ancillary hard

APPEAL TYPE

DC- Refusal of CLUD

Appeal Procedure

Written Reps

**Date Appeal Lodged** 

09/06/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

**221** 

ITEM NO

71

Planning Ref:

LA07/2021/0778/

PAC Ref:

2021/E0057

APPELLANT

Norman Graham

DEA

Rowallane

LOCATION

50m North To Rear Of 46 Riverside Road

Ballynahinch

PROPOSAL

Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide

lambing/calving, TB Testing onsite facilities with crush

APPEAL TYPE

DC- Refusal of CLUD

Appeal Procedure

Date Appeal Lodged

21/12/2021

**Date of Hearing** 

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation