



October 13th, 2022

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 19th October 2022** at **10:00 am** in **Boardroom Monaghan Row Newry** and via **Microsoft Teams**.

Committee Membership 2022-2023

- Councillor D McAteer (Chairperson)
- Councillor D Murphy (Deputy Chairperson)
- Councillor R Burgess
- Councillor P Byrne
- Councillor L Devlin
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor A Lewis
- Councillor L McEvoy
- Councillor G O'Hare
- Councillor H Reilly

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.
- 4.0 Minutes of Planning Committee Meeting held on 21 September 2022. (Attached).

For Approval

 *Planning Committee Minutes - 21.09.2022_.pdf*

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

For Approval

 *Addendum list -19-10-2022.pdf*

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Local Development Plan Items - Exempt Information

- 6.0 LDP: Planning Policy Review - Education, Health and Community Facilities. (Attached).

For Decision

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

 *PC Report re LDP PPR - EHCF (PC 19.10.22).pdf*

Not included

 *PPR Paper - EHCF (PC 19.10.22).pdf*

Not included

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

- 7.0 LA07/2021/1663/F - Dwelling on a farm - Site 125m South South West of 26 Curley Road, Newry, BT34 1NU. (Case Officer report attached).

For Decision

REFUSAL

- In line with the Operating Protocol no further speaking rights are permitted on this application (John Harkness, agent, will be available to answer any queries Members might have).
- A site visit was held on 12 October 2022 - attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare

 LA07-2021-1663-F Curley Rd Newry.pdf


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8.0 LA07/2021/2138/O Proposed new dwelling with detached garage on an infill site - Adjacent to and south of no.14 Edentrumly Road Mayobridge Newry Co Down BT34 2SG. (Case Officer report attached).

For Decision

REFUSAL

- In line with the Operating Protocol no further speaking rights are permitted on this application (Colin O'Callaghan, agent, will be available to answer any queries Members might have)
- A site visit was held on 12 October 2022 - attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare

 LA07-2021-2138-O.pdf

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9.0 LA07/2022/0044/O - Infill site for 2 dwellings and garages - Between 10 and 14 Kilkeel Road Hilltown. (Case Officer report attached).

For Decision

REFUSAL

- In line with the Operating Protocol no further speaking rights are permitted on this application (Martin Bailie, agent, will be available to answer any queries Members might have).
- A site visit was held on 12 October 2022 - attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare

 LA07-2022-0044-O Kilkeel Rd Hilltown.pdf

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Development Management - Planning Applications for determination

10.0 P/2014/0120/F - Commercial village retail store with first floor apartments and associated car park (amended plans) - Vacant

site fronting onto Glassdrumman Road Annalong adjacent/between no 2 Kelly's Brae and no 3 Mullartown Heights. (Case Officer report attached).

For Information

REFUSAL

- This application has been withdrawn from the planning process by the applicant

📄 *P.2014.0120.F Commercial Village Store and Apartments. Glassdrumman.23.09.22.pdf*

Page 51

11.0 LA07/2017/1625/F - Self-catering accommodation for the tourism industry comprising 6 self-catering units, open space and car parking - Adjacent to 77 Leestone Road Kilkeel BT34 4NW. (Case Officer report attached).

For Decision

APPROVAL

- The Principal Planning Officer will give a presentation on this application

📄 *LA07-2017-1625-F Diane Coulter.pdf*

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📄 *LA07-2017-1625-F Addendum to Case Officer's Report_.pdf*

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12.0 LA07/2020/1588/F - Development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works - Former St. Patrick's Primary School site, Ardglass Road Downpatrick. (Case Officer report attached).

For Decision

APPROVAL

- This application has been removed from the agenda at the request of Planners

📄 *LA07_2020_1588_F PFS Ardglass Road Downpatrick.pdf*

Page 79

13.0 LA07/2020/1895/F - Demolish Existing House and Office and Erect 4 Houses - 135 Newcastle Road Kilkeel. (Case Officer report attached).

For Decision

REFUSAL

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

📄 *LA07_2020_1895_F Report.pdf*

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📄 *Item 13 - LA07.2020.1895.F - Committee Briefing Note.pdf*

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14.0 LA07/2021/1422/O - Infill Site for 2 Dwellings - Between 153 + 159 Derryboy Road Crossgar. (Case Officer report attached).

For Decision

REFUSAL

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

📄 *LA07-2021-1422-O - Between 153 and 159 Derryboy Road Crossgar - Infill for 2 dwellings_DPK (002).pdf*

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📄 *LA07.2021.1422.O - Support.pdf*

Page 119

15.0 LA07/2021/2063/F - Vary condition 2 (approved drawings and condition 4 (seek variation of condition to provide amendments to the access) of planning permission LA07/2020/0605/F for the replacement dwelling with landscaping, alterations of access point and other associated site works. We seek to vary condition 2 and 4 to replace drawing number 19-37-10 with new drawing number PD001 61 Ballytrim Road Crossgar. (Case Officer report attached).

For Decision

REFUSAL

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

📄 *LA07-2021-2063-F - 61 Ballytrim Road - New Access.pdf*

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📄 *Item 15 - LA07.2021.2063.F.pdf*

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For Noting

16.0 Historic Actions Tracking Sheet. (Attached).

For Information

📄 *Planning HISTORIC TRACKING SHEET - Updated October 2022.pdf*

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17.0 Planning Committee Performance Report for September 2022. (Attached).

For Information

📎 *September 2022 Planning Committee Performance Report.pdf*

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18.0 Current appeals and decisions. (Attached)

For Information

📎 *Current appeals and Decisions Report.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 September 2022 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

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

(Officials)

Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr F O'Connor	Head of Legal Administration
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/082/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Byrne, Reilly and Lewis

P/083/2022: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

P/084/2022: 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.

- Item 6 - LA07/2021/1381/F - site visit held on Tuesday 13 September 2022 attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer and O'Hare

MINUTES FOR CONFIRMATION**P/085/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 24 AUGUST 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 24 August 2022. (Copy circulated)

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Burgess, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 24 August 2022 as a true and accurate record.**

FOR DISCUSSION/DECISION**P/086/2022: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 24 August 2022. **(Copy circulated).**

AGREED: **On the proposal of Councillor Devlin, seconded by Councillor Burgess, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 24 August 2022:**

- **LA07/2021/0154/F** - Application to deepen existing operational quarry for the extraction of gritstone incorporating landscaping, native species planting and full site restoration - Approx. 250m east of 124 Crossgar Road, Saintfield **APPROVAL**
- **LA07/2022/0155/F** - Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2022 - 2026 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity. - Warrenpoint Baths Seaview Warrenpoint BT34 3NH **APPROVAL (TEMPORARY)**
- **LA07/2021/1270/F** - Proposed extension to Monkshill Cemetery to include approximately 600 burial plots with circulation road, paths and small skip enclosure - 29 Monkshill Road Newry BT34 2FD **APPROVAL**
- **LA07/2020/0767/O** - Proposed Residential Housing Development - Lands at Bridle Loanan, NW of Ridgfield Grove and NE of Woodlands, Warrenpoint. **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION****P/087/2022: PLANNING APPLICATIONS FOR DETERMINATION**

(Councillors Burgess, Hanna and McEvoy withdrew from the discussion/decision on this application).

- (1) LA07/2021/1381/F**

Location:

Lands approximately 30m south of no. 59 Bavan Road Drumgath Mayobridge

Proposal:

Proposed erection of a rural infill detached dwelling house and additional landscaping

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

Speaking rights:

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

Mr Barney McKeivitt, agent was in attendance to answer any questions from Members.

Issues raised:

- Mr McKeivitt confirmed there was no planning permission for the shed, it had previously been the subject of an enforcement order but that was now closed and the shed was currently used to house vintage tractors and cars.
- Mr Rooney said Planning considered the shed occupied the gap site and had frontage to the road, irrespective of what it was being used for.
- Mr Rooney said two buildings would not reflect the settlement pattern on either side
- Mr McKeivitt said the shed had not been included within the red line as it did not have planning permission.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1381/F contrary to officer recommendation on the basis that as the shed had no status in Planning, it should be disregarded and therefore there was a gap site opportunity. Councillor Murphy seconded the proposal, saying he acknowledged it was on the edge of policy however, he said it was important to do what was fair and reasonable.

Mr O'Connor said as per previous applications, the shed was in place and should therefore be included as part of the assessment.

Mr McKay asked for clarification from Committee in that if proposing to overturn the officer recommendation, they were saying that the building did not exist and therefore it was being ignored and that it had no status. He said it appeared that the advice received from the Solicitor was not being taken account of and the Committee were in effect creating a new Policy that in certain circumstances the building that made the gap could be disregarded.

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

FOR:	4
AGAINST:	2
ABSTENTIONS:	0

The proposal was carried.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2021/1381/F contrary to

officer recommendation on the basis that as the shed had no status in Planning, it should be disregarded and therefore there was a gap site opportunity.

Planning officers be delegated authority to impose any relevant conditions.

(Councillors Burgess, Hanna and McEvoy re-joined the meeting).

(2) LA07/2022/0296/0

Location:

Approx. 50m NW of 4 Mountain Road, Guinness, Ballynahinch

Proposal:

Dwelling and garage on a farm under Policy CTY10 of PPS21

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In Support

Gerry Tumelty, agent and Martin Carvill, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Planners had no issue with an entitlement to a farm dwelling – the issue was the level of prominence and in effect the location of the proposed dwelling in relation to the farm buildings. Area of outstanding natural beauty and when viewing this application from critical viewpoints there was a failure to provide suitable backdrop; it did not cluster effectively with the farm buildings and the works that would be required to achieve integration would be of such an extent that they themselves would potentially have a further detrimental impact onto the landscape – unduly prominent in the landscape.
- Planners did identify suitable alternative sites.
- Agent - there was a backdrop of mature trees and farm buildings – the land in questions was generally flat rising to a little knoll – intention was to remove part of that and level the ground immediately behind the fence and the wall and take access onto the road – the chosen position of the dwelling was the best location within the holding.
- Site was capable of taking integration using mature vegetation and the backdrop of farm buildings and as such was compliant with Policy.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2022/0296/0 contrary to officer recommendation on the basis that the site complies with the requirements for a dwelling on a farm; it clustered with farm dwellings and there were no issues with integration.

Planning officers be delegated authority to impose any relevant

conditions.**(3) LA07/2022/1206/F****Location:**

50m south of 12 Mountain Road Ballymadda Road Dromintee Co Armagh

Proposal:

Proposed off-site replacement dwelling and detached garage site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:In Support

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

Issues Raised:

- Planners – proposal was to replace a dwelling that was currently located within the settlement limit of Dromintee outside the settlement limit and in the countryside. The requirements of PPS21 for replacement dwellings did not apply with settlement limits so there was no Policy basis to consider this application.
- Planners considered the proposal blurred the distinction between the settlement limit of Dromintee and the open countryside.
- Agent – this application complied with SPPS and RDS Policy and rounds off and consolidated a development zone at no detriment to the area.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of planning application LA07/2021/1206/F contrary to officer recommendation on the basis that the application consolidated the rounding off of the development zone; the house would be read with the existing development and it would not detract or blur the existing development zone as the house to be replaced sat detached from the existing row of houses. In this case Policy could be set aside and a replacement given as it would not be detrimental to the AONB or to the rural setting and as such did not offend against the relevant policies.

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

FOR:	7
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1206/F contrary to officer recommendation on the basis that the application consolidated the rounding off of the development zone; the house would be

read with existing development and it would not detract or blur the existing development zone as the house to be replaced sat detached from the existing row of houses. In this case Policy could be set aside and a replacement given as it would not be detrimental to the AONB or to the rural setting and as such did not offend against the relevant policies.

Planning officers be delegated authority to impose any relevant conditions.

(4) LA07/2021/1663/F

Location:

Dwelling on a farm

Proposal:

Site 125m south south west of 26 Curley Road, Newry BT34 1NU

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In Support

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

Issues Raised:

- Planners - farm was active and established and no opportunities had been sold off - application failed criteria C of the Policy – new building was visually linked or sited to cluster with established buildings on a farm unless there was an exception. Curley Road created a barrier between existing buildings on the farm and the proposed site would appear as an outlier.
- Agent – applicant was a full-time farmer – on site the proposed dwelling could be clearly seen with buildings on the existing farm and was therefore visually linked.
- Integration – ground to the north and east generally higher than the application site and the building itself would be almost invisible from the north, east and west and also from the Curley Road which was well planted with hedges and trees; it was a bendy road and the site cannot be seen much from the road.

Councillor Larkin proposed and Councillor Hanna seconded that a site visit be held on planning application LA07/2021/1663/F.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was unanimously agreed to convene a site meeting on planning application LA07/2021/1663/F.

(5) LA07/2021/2138/0**Location:**

Adjacent to and south of No. 14 Edentrumly Road Mayobridge, Newry BT34 2SG

Proposal:

Proposed new dwelling with detached garage on an infill site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:In support

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

Issues raised:

- Planners - the application site did not have a substantial and continuously built-up frontage which was a core requirement for an infill dwelling – instead there was a building to building gap between No. 14 and No. 18 of some 128m – not a small gap as would be a requirement of the Policy.
- Agent – case rested on whether an adjacent shed could be counted as one of the requisite 3 buildings required under CTY8 – the shed, its yard and paddock were all part of the one planning unit and therefore could be taken into account to fulfil the requirements of Policy.

Councillor Hanna proposed and Councillor Murphy seconded that a site visit be held on planning application LA07/2021/2138/0.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Murphy, it was unanimously agreed to convene a site meeting on planning application LA07/2021/2138/F.

(6) LA07/2021/1949/0**Location:**

Lands between 35 and 37 Rath Road, Warrenpoint

Proposal:

Proposed 2 No. detached dwellings and domestic garages on an infill site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:In support

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

Issues raised:

- Planning Department would accept there was a substantial and built-up frontage in this application but there was a gap that is not a small gap – 189m in length and the application site filled a part of that gap but not all of it – did not therefore fulfil the requirements of Policy.
- Another added element was that the northern part of the site was acknowledged as being in the flood plain and any proposal to site a house would be contrary to Policy FLD1 of PPS 15.
- Agent – applicant had gotten a flood risk assessment and this report would be submitted as soon as possible. Flood risk was only a small risk as only a very small part of the site was affected by flooding and as this was an outline application the houses could be sited outside the flood plain.
- Believe the proposal respected the existing pattern of development in the area.

Councillor McAteer proposed and Councillor Devlin seconded that a site visit be held on planning application LA 07/2021/1949/0.

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

FOR:	3
AGAINST:	6
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Larkin proposed, and Councillor Hanna seconded, to accept the Officer recommendation to refuse this application.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	2

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna, it was agreed it was agreed to issue a refusal in respect of Planning Application LA07/2021/1949/0 as per the information contained within the Case Officer report and presented to Committee.

(7) LA07/2022/0179/F**Location:**

65A Ballagh Road Newcastle, BT33 0LA

Proposal:

New vehicular access onto Ballagh Road to serve dwelling at 65A Ballagh Road

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:In support

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

Issues raised:

- Planners - key issue was that the Ballagh Road at this location was a protected route – Policy context was to restrict the number of new accesses onto protected routes and control the level of use of existing accesses. There was no exception set out here for an access onto a protected route.
- The site in question – there was an existing access to the Ballagh Road that it shared with adjacent property – proposal was to create their own access thereby doubling the number of access points onto Ballagh Road. A like for like replacement up to a design standard would benefit everyone. Impact on AONB also a consideration.
- Agent – addressed the reasons for refusal. Proposed driveway extends exactly the same distance from the main road as that of the neighbouring properties therefore the scale was exactly the same as those in the surrounding context - it also met visual integration.
- Existing access onto the protected route was sub-standard and was an extremely dangerous access point with poor visibility splays in both directions. New proposed access point would achieve full access standards. DFI Roads were consulted and had no objection to this proposal.

Councillor Hanna proposed and Councillor Larkin seconded, to accept the officer recommendation and issue a refusal in respect of planning application LA07/2021/1664/0.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2022/0179/F as per the information contained within the Case Officer report and presented to Committee.

(8) LA07/2021/1268/F**Location:**

86 Killowen Old Road Rostrevor Newry BT34 3AE

Proposal:

Demolition of existing shed to facilitate off site replacement dwelling of former weavers cottage. The original 'weavers cottage' building to be retained with change of use to storage for adjacent existing textile workshop and erection of wastewater treatment system and all associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:**In support**

Brendan Starkey, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members. Steven Moon, Architect was in attendance via Teams.

Issues raised:

- Planners – outlined the history of the site. In 1980 an extension to the factory to provide a self-contained flat was approved – now proposed to replace this extension with an off-site replacement dwelling. The central issue to this application was the definition of the term dwelling in the context the agent wanted the application to be considered under CTY3 of PPS21 and the status of the structure to be replaced.
- Issues with the scale of the proposed dwelling which was to be located outside the established curtilage of the current site.
- Agent – application related to a dwelling that the applicant's family had lived in from the 1980s. Structure exhibited the essential characteristics of a dwelling. Planners had referred to the dwelling as a flat within a planning permission granted in 1980 and had taken the position that a flat was not a dwelling suitable for replacement under CYY3 – outlined why they disagreed with this position.
- In terms of visual impact, the dwelling was entirely screened from public view and could not be seen from the public road network or from any other critical viewpoint.
- Legal – referred to the definition of dwelling/dwelling house in submissions from both planners and agent and said further contributions/definitions could be added e.g. Property Order 1997 which did not specify types of dwelling or flats or detached or any definitions of that nature. Planning Policy was broad and potentially covered a wide canopy of different houses/buildings - where was the authority to restrict to a dwelling/building/house and to say that it could not be a flat – did not see a clear argument to justify either position. Urged Committee to look beyond the policy definition and consider other important aspects such as curtilage and scaling.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of planning application LA07/2021/1268/F on the basis that the application complied with CYY3 as it was obviously a dwelling that has been inhabited for decades. The proposed design size and style of the proposed replacement was acceptable as 260 sq.m was average and in some cases quite modest for a replacement dwelling and therefore complied with CTY13 and CTY14. The dwelling was screened from the public road network and respected the local varied styles in

the area and was sympathetic to the special character of the AONB. Also the existing curtilage was too small to replace with the development as proposed and was therefore acceptable.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2021/1268/F contrary to officer recommendation on the basis that it complied with CYY3 as it was obviously a dwelling that has been inhabited for decades. The proposed design size and style of the replacement was acceptable as 260 sq.m was fairly average and in some cases quite modest for a replacement dwelling and therefore complied with CTY13 and CTY14. The dwelling was screened from the public road network and respected the local varied styles in the area and was sympathetic to the special character of the AONB. Also the existing curtilage was too small to replace with the development as proposed and was therefore acceptable.**

Planning officers be delegated authority to impose any relevant conditions.

(9) LA07/2022/0044/0

Location:

Between 10 and 14 Kilkeel Road Hilltown

Proposal:

Infill site for 2 dwellings and garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In support

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

Issues raised:

- Planners – there was a continuous and built-up frontage for the purpose of the relevant infill Policy CTY8 – the proposed layout did not reflect the scale, size and siting of the plot sizes in the area – gap appeared too large on the ground.

- Agent – site had been assessed as a mathematical exercise without giving the development pattern and site density the importance which the application required.

Councillor O'Hare proposed and Councillor Hanna seconded that a site visit be held on planning application LA07/2022/0044/0.

AGREED: **On the proposal of Councillor O'Hare, seconded by Councillor Hanna, it was unanimously agreed to convene a site meeting on planning application LA07/2022/0044/0.**

P/088/2022: HISTORIC ACTION SHEET

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

In response to a query from Councillor Murphy referencing an application on the historic action Sheet which was awaiting the outcome of legal advice, Mr McKay confirmed that legal advice had been received and further information had been sought from the agent. He said officers would endeavour to bring this application back to Committee as soon as possible.

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

P/089/2022: PLANNING COMMITTEE PERFORMANCE REPORT – AUGUST 2022

Read: Planning Committee Performance Report – August 2022. **(Copy circulated)**

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

P/090/2022: CURRENT APPEALS AND DECISIONS

Read: Current Appeals and Decisions. **(Copy circulated)**

AGREED: **It was unanimously agreed to note the Current Appeals and Decisions.**

P/091/2022: UPDATE: IMPLEMENTATION OF NEW PLANNING IT SYSTEM

Mr McKay, Chief Planning Officer, gave a verbal update on the implementation of a new Planning IT System which would replace the existing Northern Ireland Planning Portal. He said it had been hoped the new system would go live on 17th October but there was a delay and now it was hoped it would be live by early November 2022. He advised he would keep the Committee updated.

In response to a query from Councillor Larkin, Mr McKay said the existing Planning Portal would be taken down some 3 weeks in advance of the new system being available to enable new applications to be put on. However the public would still be able to view applications on the old system during this time.

The meeting concluded at 1.30 pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 19 October 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 19 October 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:

- There are no applications on the addendum list

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1663/F

Date Received: 21.09.2021

Proposal: Dwelling on a Farm

Location: Site 125m South South West of 26 Curley Road, Gransha Newry, BT34 1NU

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located outwith any designated settlement development limits as defined within the Banbridge, Newry and Mourne Area Plan 2015 (Map 3/01 Newry and Mourne District). The application site has been screened using online tools for any historic or natural environment designations. There are no known features within proximity to the proposed site. The application site is located approximately 2.5 miles west of the settlement development limit of Rathfriland.

1.2 The application site is located on the Curley Road (image 1 below highlights the location of the application site), comprising a triangular shaped roadside plot, to the far side of the Curley Rd from the existing holding. The Curley Road is a public road across the road from the application site is the access to the farm buildings. The proposed application site is enclosed via maintained hedges and is used as an agricultural field; a farm gate allows access to the application site.

Image 1 Extract from the Site Location Plan



Image 2 Aerial Image of the Application site and surrounds



1.3 The application is for the erection of a dwelling and detached garage under CTY10 for a dwelling on a farm. The proposed dwelling is a two storey dwelling with a two storey front projection alongside a single storey outcrop to the side return and rear return of the dwelling. The dwelling is of a Georgian style and has a 9m ridge height characterised by a pitched roof. The garage is characterised by a double door and is single storey in height and style. The dwelling is proposed to be accessed via a driveway from the Curley Road.

1.4 The proposed finishes of the dwelling include: a black/dark grey concrete tile/slate, render finish walls with stone as indicated on the elevation plans and black rainwater goods.

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 for Northern Ireland
- PPS 3 Access, Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS 21 Sustainable Development in the Open Countryside
- Building on Traditional Sustainable Design Guide

3.0 Site History

3.1 There are no known applications on the application site.

4.0 Consultations

4.1 The following were consulted in relation to the proposed application:

- DAERA – Have confirmed the status of the farm and confirmed that the business ID was allocated on the 9th November 2005. They set out that the farm business is a category 1 business and that they have claimed payments through the basic payment scheme or agri environment scheme within the past 6 years.
- NI Water – Approved with standard planning conditions attached
- DFI Roads – Have no objections to the proposal as presented and attached conditions should the proposal be approved.

5 Objections and Representations

5.1 There were no neighbours identified to be notified as part of this application. The application was advertised in the local press on the 6th October 2021. No objections have been received to date (08.02.2022).

6 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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located outwith any defined settlement limit as designated in the Banbridge Newry and Mourne Area Plan (Map 3/01 – Newry and Mourne District). There are no specific policies in the Plan regarding the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement 2015

6.2 As there is no significant change to the policy requirements for the proposal following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS 3, and PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 3 Access Movement and Parking

6.3 Policy AMP 2 of PPS 3 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 AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads have considered the access acceptable and have attached conditions as part of their consultation response. It is proposed to access on to the Curley Rd with splays of 2m by 45m.

PPS 21 Sustainable Development in the Countryside

6.4 Policy CTY1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes a dwelling on a farm if it is in accordance and meets the policy requirements of CTY10.

Policy CTY10- Dwellings on Farms

6.5 Policy CTY10 states planning permission will be granted for a dwelling on a farm whereby:

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

6.6 DAERA have confirmed that the farm business ID was allocated on the 9th November 2005; the farm is a category 1 farm that claim payments by the farm business.

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

6.7 The planning history has been investigated throughout the past 10 years using the farm maps supplied by the applicant and online search engines. It is confirmed that there has been no dwellings or development opportunities out-with the settlement limits sold off from the farm holding within 10 years and therefore this criterion is met.

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- *demonstrable health and safety reasons; or*
- *verifiable plans to expand the farm business at the existing building group(s).*

6.8 The farm business is registered to 35 Ardarragh Road; approximately 472 metres north east of the application site. Whilst it is noted that the business is registered to the address outlined above, the Site Location Plan submitted alongside the application sets out lands within the applicants ownership which includes the farm buildings opposite the application site, to the far side of the Curley Road. Furthermore, the blue line also includes the two storey dwelling at number 26 Curley Road. The agent clarified that number 26 Curley Road is a family home which belongs to the applicants great grandfather.

6.9 Whilst conducting a site visit it was noted that the farm buildings are located west of the application site and are separated via the Curley Road (a public Road). The access to the main farm buildings is via the Curley Road. There is another access to a shed within the applicants' ownership which appears to not benefit from planning permission (however, from the study of aerials would appear immune from enforcement). This shed again is located to the far side of the road. The access to the proposed dwelling is located 166m south of the main farm entrance and is further located on the opposite side of the road.

Paragraph 5.41 of Policy CTY10 advises that a new dwelling should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

As stated, the established group of buildings on this farm are located to the other side of the laneway from the application site.

Though the site can be viewed in the context of the farm buildings from this stretch of Curley Rd, the staggered junction and a portion of the Ardarragh Rd, the physical separation by the intervening public road is clearly apparent, whereby the application site sits in isolation from the buildings on the farm and does not form an integral part of the established group of buildings.

The Curley Road separates the site from the grouping, whereby it is considered a dwelling on this site would appear as a separate entity, even for a rural road such as this.

All of the built development on this holding is confined to 1 side of the road, whereby it is considered locating a dwelling on this other side of the road introduces a new distinct and separate built element in the landscape.

As such, it is considered that on this occasion the proposed siting does not cluster or visually link with an established group of buildings on the farm nor would it be considered to be read with the farm buildings, when viewed from public viewpoints along Curley Rd and Ardarragh Rd. Having account the extent of this holding, it is considered other sites are available on the lands to the far side of the Curley Rd.

6.10 An email was issued to the agent on 3rd of December 2021 stating that the Planning Department had concerns with the siting of the application as presented. The agent was asked to submit any further information/plans they wish to be considered by the 17th December 2021. Further information was submitted and the siting of the dwelling remained as initially submitted. The agent made reference to precedents with the Council area where dwellings were to be separated by a main road to include:

6.11 LA07/2019/0103/O for a dwelling on a farm; the case officers report acknowledges the policy upon which the dwelling should be visually linked or sited to a cluster with an established group of buildings on a farm where practicable. Within the report the Case Officer sets out that the proposed site is located adjacent to farm buildings and a dwelling which is to be replaced furthermore on this occasion the agent submitted information to explain that there are no suitable sites adjacent to the main farm building due to farm expansion. The application site was considered to be adjacent to two existing buildings on the farm and therefore the proposal was considered to cluster with existing farm buildings and meet the policy requirements.

6.12 LA07/2019/0051/F for a dwelling on a farm; the case officer report acknowledged in these circumstances there was an access in place to service a mobile home that was unauthorised (at the time of the report). Given the spatial arrangement of the farm buildings and balance of material considerations on this occasion the proposed site was the only site that offered visual amenity and therefore was considered in that specific instance to be compliant with CTY10.

6.13 It is considered that the proposed development on this occasion does not meet criteria or appear to be an exceptional case when considered against policy and there is no overriding reason as to why the proposed dwelling could not be located to appear clustered with the farm buildings.

Also, it has not been demonstrated there are health and safety reasons or verifiable plans to expand the farm business which would justify a site away from the established group of buildings on the farm.

6.14 Furthermore, within the email issued to the agent on the 3rd December 2021 set out that the Planning Department had concerns with the design of the dwelling as presented it was considered inappropriate due to the two-storey front projection and attached garage. The agent addressed these concerns and submitted a

revised design which reduced the front projection porch to single storey as well as a detached garage positioned behind the dwelling.

Notwithstanding the principle, these design elements are now considered acceptable.

CTY 13 Integration and Design of Buildings in the Countryside

6.15 CTY 13 states that: *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.*

6.16 The application site does have mature vegetation and hedges surrounding it; it is proposed that there would be one new boundary proposed to enclose the application site. To enclose the application site a new boundary estate rail is proposed around the application site. It is considered the proposal does not necessary rely on new landscaping for integration but will use a mix of both the vegetation already on the application site and new vegetation in order to create a curtilage for the dwelling. Having account the existing character including house types and sizes, and also size of existing sheds in the locality, it is considered the principle of a two-storey dwelling within the context of the area is considered acceptable.

However, the proposed dwelling is not considered to visually link or cluster with an established group of buildings on a farm, sited in isolation, therefore appearing dominant as a lone building within the countryside. As such the proposal is therefore considered contrary to CTY13.

Image 3 Image taken from Google Maps (capture September 2021)



CTY14 Rural Character

6.17 CTY 14 states that: *A new building will be unacceptable where:*

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

6.18 It is considered that whilst the design of the proposed dwelling is acceptable the siting of the proposed dwelling is not and would create a situation whereby the dwelling would appear prominent and dominant in the landscape and not clustered with the farm buildings therefore the proposal is contrary to criterion a and c of CTY14.

7.0 Recommendation – Refusal

- a. Drawings in which the application relates to 684LM01, 684L01A, 684P01A, 684P02A, 684P03A, 684P04A, 684P05A**
- b. Conditions**
 - 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
 - 2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case and the proposed new**

dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; other sites are available, and there are no demonstrable health and safety reasons, or verifiable plans to expand the business.

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

- the proposed building would be a prominent feature in the landscape
- the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm

and therefore would not visually integrate into the surrounding landscape.

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

- the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

c. Informatives

1. This refusal notice relates to the following plans: 684LM01, 684L01A, 684P01A, 684P02A, 684P03A, 684P04A, 684P05A

Case Officer Signature: Roisin McGrane

Date: 08.02.2022

Appointed Officer Signature: M Keane

Date: 25-07-22



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/2138/O

Date Received: 02.12.2021

Proposal: Proposed new dwelling with detached garage on an infill site

Location: Adjacent to and south of no.14 Edentrumly Road, Mayobridge, Newry, Co Down

1.0 Site Characteristics and Area Characteristics

1.1 The application site is located outwith the 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 0.87 miles south east of the settlement development limit of Newry. The site has been screened for natural and built heritage features. Whilst no historic environment features appear within proximity to the application site; it is located within an Area of Outstanding Natural Beauty.

1.2 The application site is located within a vacant field between numbers 14 and 18 Edentrumly Road, Mayobridge. The application site is relatively flat and is enclosed mainly via mature hedges. Access to the field is via a field gate along the Edentrumly Road. The images below set out the context of the application site upon which is to be assessed as part of this report.

Image 1 Site Location Plan



Image 2 Aerial of the application site

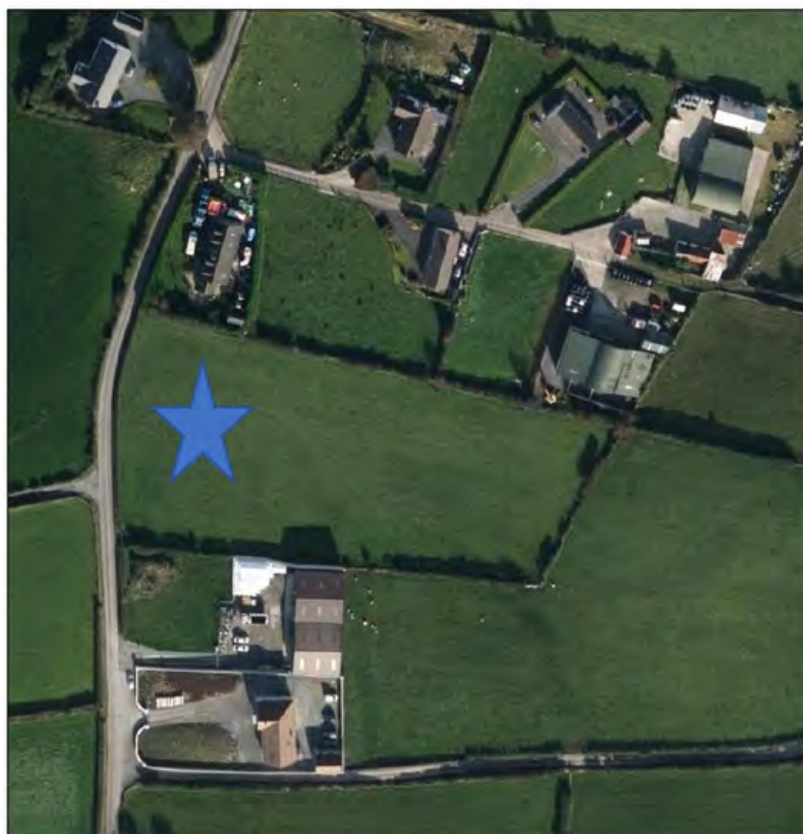


Image 3 Photograph of the application site from the Edentrumly Road



Image 4 Photograph from the Edentrumly Road looking towards number 18 (blue arrow points to the current access point to the application site)



Image 5 Photograph of the application site looking towards number 14 Edentrumly Road



Image 6 Indicative Site Layout



1.3 As visualised from the photos above number 14 Edentrumly Road is a storey and a half sized dwelling with dormer windows to allow for an upper floor to the dwelling. Number 18 Edentrumly is also a storey and a half dwelling. Between numbers 14 and 18 is a farm shed with a small agricultural holding/paddock to the front of the sheds at the time of site visit there was numerous bails being stored on the area of hardstanding to the front of the shed and sheep grazing the small field area. there is a field between this paddock area and shed and the road.

1.4 As set out above this is an outline application and therefore no details, elevations or finishes have been submitted as part of this application these would be assessed at reserved matters stage. An indicative site layout was submitted for information purposes (Image 6 above). The main objective of this application is to establish the principle of the development on the application site.

2.0 Planning Policies and Material Considerations

2.1 This planning application has been assessed against the following policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

3.0 Site History

3.1 The Planning history of the site and surrounding area has been investigated. There are no known planning applications/decisions on the application site. Within the surrounding area there has mainly been applications for dwellings and associated works/improvements.

4.0 Consultations

4.1 Consultations were issued to the following consultees on the 14th December 2021.

- NI Water – No objections
- DFI Roads – No objections to the proposal – provided conditions to be attached
- DFI Rivers - No objections – provided informatives to be attached

5.0 Objections and Representations

5.1 The application was advertised in the local press on the 22nd December 2021. 4 neighbours were notified with regards to the application. No objections or representations have been received to date (23.05.2022).

6.0 Assessment:

Banbridge/ Newry and Mourne Area Plan 2015

6.1 Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

6.3 Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that *ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character*. Paragraph 4.4.1 puts the onus on the *applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context*.

6.4 This application was accompanied by a supporting planning statement which will be considered as part of this application.

Planning Policy Statement 2 – Natural Heritage

6.5 The application site is located within the Mourne Area of Outstanding Natural Beauty. Policy NH6 refers to AONBs. It sets out planning permission for a new development will only be granted where it is of an appropriate design, size and scale for the locality and all of the following criteria are met:

- a a) The siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b b) It respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- 1 c) The proposal respects:
 - 2 ▪ Local architectural styles and patterns

- 3 • Traditional boundary details, by retaining features such as hedges, walls, trees and gates;
- 4 • Local materials, design and colour.
- 5 Development within AONBs must be sensitive to the special character of the area and quality of their landscape, heritage and wildlife. The proposal is not considered to have a detrimental impact on the AONB due to the mix of different properties in the area which range in size, scale and design.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

6.6 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. As set out in section 4 DFI Roads were consulted in relation to the proposed development. DFI Roads had no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision. The proposal therefore complies to the policies set out in PPS 3.

PPS21 Sustainable Development in the Open Countryside

6.7 Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

CTY 8 – Ribbon Development

6.8 CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

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

6.9 The application site is located within an agricultural field adjacent to number 14 Edentrumly Road; the application site is also within proximity to number 18 Edentrumly Road. Adjacent to the application site and before number 18 Edentrumly Road is a small agricultural field and behind this field an area of hardstanding and a large conjoined agricultural shed. Through conducting a site

visit it is considered that the sheds are prevented from fronting onto the road due to the presence of the field to the front of them and as they are enclosed by fencing; thus, it is considered that there is **not** a substantial and continuously built up frontage on this occasion.

6.10 In terms of whether the application constitutes a small gap site relates to the matter of plot size. Having studied the plot sizes of the adjacent dwellings I have the following frontages to note (approximate):

- Application Site – 73.7m
- 9 Edentrumly Road - 32.3m
- 11 Edentrumly Road - 47.5m
- 14 Edentrumly Road – 50.2m
- 18 Edentrumly Road – 31.4m
- 24A Edentrumly Road - 52.5m
- 25 Edentrumly Road – 36.5m
- 27 Edentrumly Road – 37.8m

6.11 The building to building separation distance between number 14 Edentrumly Road and number 18 Edentrumly Road is approximately 128m. When taking an average, the average frontage of the sites along the stretch of the Edentrumly Road is 47.17m.

Although the frontage in question comprises the lands to the east side of the road including even numbered properties, the Dept has also noted the general pattern of development and frontages on both sides of the road.

6.12 It is important to note that appeal reference: 2019/A0001 clearly states that it is not merely a mathematical exercise therefore on this basis it is imperative to consider the surrounds of the application site/area; The aerial imagery from the beginning of the report (image 2) shows the extent of the application site as a large field; further images of the application site and a site visit confirms that the field is a large agricultural field.

Whilst it is acknowledged and set out above there are a variety of plot sizes within the surrounding area; notwithstanding there is no substantial and continuous built up frontage, the entire gap between no.14 and 18 could accommodate more than 2 dwellings. As such, the application site does not constitute a small gap as per CTY 8. In order to ensure an appropriate and thorough assessment of the application site the matter of size, scale and will be discussed below.

Size, Scale and Siting

6.13 The application site is located within a vacant agricultural field; image 6 above shows the siting and indicative layout of the dwelling, no further details have been provided. When studying the indicative site layout, it is even more evident that the site could house more than one dwelling. No further details have been provided in relation to the design/finishes of the dwellings.

6.14 Policy CTY8 further states *“Many frontages in the countryside have gaps between houses or other buildings that **provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character.** The infilling of these gaps will therefore **not be permitted** except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases **it will not be sufficient to simply show how two houses could be accommodated.** Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.”*

6.15 It is considered that when interpreting the extract above and given the characteristics of the site including the width of the site; the site is not considered as an acceptable infill opportunity but more so provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

Policy CTY13 – Integration and Design of Buildings in the Countryside

6.16 *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 The application has been presented as an outline application and therefore no detailed design has been provided. The indicative site layout whilst having no annotation indicates that the site boundaries are to be retained/enhanced where possible. It is considered that provided conditions were attached the proposal would comply to CTY 13.

Policy CTY14 Rural Character

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

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*

- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

6.19 As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that the application site is not considered an infill opportunity and therefore would result in the suburban style build-up of development when viewed with existing and approved buildings. The proposal is considered to exacerbate and create ribbon development on the Edentrumly Road. Therefore the proposal is contrary to CTY14.

Residential Amenity

6.20 Due to the location of the application site coupled with the vegetation surrounding the application site and separation between the current dwellings within proximity to the proposed dwelling layout as indicated on the indicative site layout, it is considered that the dwellings would be far enough removed from the neighbouring dwellings as to not cause any demonstrable harm. Whilst no detailed design has been submitted as part of this application it is considered that well designed dwellings and appropriate utilisation of space would reduce any adverse impact. No objections from neighbouring properties had been received as part of this application.

Correspondence with the Applicant

6.21 A letter was sent to the applicant on the 4th March highlighting that the principle of development at this location was contrary to policy and that the gap does not represent a small gap. The applicant was afforded 14 days to provide any further information to be considered.

6.22 A supporting statement was received to the Planning Department on the 25th March in relation to the application. The document included the following comments (the agents comments are italic bullet points, the Planning Departments response is below).

- *We consider the shed forms part of the built-up frontage because it is one part of a single planning unit. The shed and yard are inter-accessible with the paddock to its front. The "field" is not accessed directly from Edentrumly Road. There are two gates to it: one opens out to the laneway that leads to the shed in question, and the other is to the rear and opens directly into the shed's accompanying yard. These facts confirm the fact that these two pieces of land are parts of a singular planning unit. There is no reason why one would be separated from the other, visually or otherwise.*

As set out above, the Planning Department consider that there is no substantial and built up frontage. The characteristics of the shed and through the conduction of a site visit it was considered that the sheds are prevented from fronting onto the road due to the presence of the intervening field to the front of them. The access to the small field is via an entrance onto the bottom of the lane at the Edentrumly Road and there is another field gate within the area of hardstanding. The fact there

are two entrances to the field does not change the fact that the field and associated application site does not create nor add to a substantial and built up frontage.

- *What can be taken from the aforementioned appeal decisions is the possibility that the Policy provides for other types of substantial and continuously built-up frontage. Thus, it would not be accurate to suggest that the Policy excludes buildings that are sited back, staggered or at angles or have gaps between them and the Council has unjustifiably concluded that the shed must be excluded in this case. Being set back does not indicate, of itself, that development is not part of the linear row of road facing development, and this is especially true where developments are inter-visibly linked along the frontage. In such circumstances there has to be the same opportunity for infill development as there would be if no individual developments were set back.*

The Planning Department would refer you to appeal 2019/A0001 clearly states that it is not merely a mathematical exercise; the Planning Department consider that the consideration of an application is too not a mathematical exercise and the characteristics of the application site and surrounds must be taken into consideration and this has been done. It is considered that the site provides for a visual break and not a gap site.

Various planning applications and appeal references were set out as part of the supporting information submission these are set out below with the Planning Departments comment beside each:

- 2011/A0103 and 2016/A0040 *and the use of the word **includes**, "which suggests the presence of other possibility of substantial and continuously built-up development, including that with development to the rear."*

The Planning Department appreciate the interpretation of policy and note the PAC interpretation however, on this occasion due to the specific circumstances of the application as assessed before us it is considered that the site is not *within an otherwise substantial and continuously built up frontage...*

- LA07/2019/1449/F – *As per the case officer report consideration was given to other buildings along the road, but it is considered that these do not have road frontage, just access points on to the main road. Therefore, the site lacks a substantial and continuously built-up frontage.*

The case officer recommended refusal on this application; the application was overturned at Planning Committee.

- LA07/2019/0008/F – *As per the case officer report no 11 is set some distance from the public road and is not considered to have a frontage with the public road. No 11 when approved did not include the curtilage of the property extending to the public road and as a result it does not have a road frontage. As a result, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would add to a ribbon of development.*

The case officer recommended refusal on this application, the application was overturned at Planning Committee.

- 2020/A0019 – The application is located within another Council Borough and it would not be prudent to comment on the decision making of another Council. However, the Site Location Plan uploaded to the NI Planning Portal does **not** depict a similar set of circumstances as portrayed within the application under assessment.
- 2019/A0138 – As above the application is located within another Council Borough and it would not be prudent to comment on the decision making of another Council. However, having studied the proposed site plan (PCP-01) it highlights that the existing structure/farm shed on the application site is to be removed which is a varying set of circumstances to the application currently under assessment.
- LA07/2020/0669/F – The case officer report sets out *It is considered that the agricultural building does not have a frontage with the road given that it is set back from the road edge with only a very narrow agricultural access adjoining the public road... As such the building is not considered to have a frontage with the road and it is also considered that the area of agricultural field between the site and agricultural building is a break in the frontage.*

The case officer recommended refusal on this application which was overturned at Planning Committee.

- LA07/2019/0620/O – The case officer report sets out *the site is bounded to the south by number 84 Drumlough Road with a small garage set behind the main dwelling. Given the position of the garage behind the dwelling, I do not consider that this constitutes a line of two buildings. Number 76 is located to the north of the site and consists of one detached dwelling. There is further development to the north of number 76 - numbers 72, 74 and another new build dwelling to the rear of these buildings. However, these are separated from number 76 Drumlough Road by a gap of around 8 metres which is a break in the line of buildings along the road. A new dwelling on the application site would therefore create a ribbon of development along the Drumlough Road.*

The case officer recommended refusal on this application which was overturned at Planning Committee. The basis of this was on a garage mainly being situated to the rear building line of the dwelling which ultimately is a differing set of circumstances to the application under consideration

7.0 Recommendation – Refusal

Conditions

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no**

- overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Edentrumly 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development along the Edentrumly Road; and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature: Roisin McGrane

Date: 23.05.2022

Appointed Officer Signature: M Keane

Date: 25-07-22



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2022/0044/O

Date Received:

20.12.2021

Proposal:

Infill site for 2 dwellings and garages

Location:

Between 10 and 14 Kilkeel Road Hilltown

Site Characteristics & Area Characteristics:

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

The site is situated between Nos. 10 and 14 Kilkeel Road and comprises parts of 2 larger agricultural fields. Nos. 10 and 14 are single storey dwellings, both with associated garages to the side.

The site itself is elevated off the Kilkeel Road and slopes upwards from road level south to north. Existing boundaries comprise a low wooden fence and hedgerow along the southern boundary, a low wooden fence along the common boundaries between No. 10 to the west and No. 14 to the east. The northern boundary of the application site is currently undefined as the site is part of 2 larger fields. Hedgerow with some mature trees runs along the middle of the application site denoting the 2 different fields.



Application site. No. 14 can be seen in the picture. The application site also includes the field beyond the hedgerow and mature trees that can be seen in the picture



Nos. 10 and 14 Kilkeel road with the application site in between

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

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

Site History:

- LA07/2020/1832/F - Between 10 and 14 Kilkeel Road Hilltown Newry - Infill site for 2 dwellings and garages – Refusal, May 2021.

The application site above is the same site currently under consideration. The proposed principle is also the same. The above application was refused for the following reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site does not represent a small gap site within a substantial and continuously built-up frontage.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development along the Kilkeel Road; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the proposed development would not be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

No changes have been made to the application site since the determination and subsequent refusal of the above application.

Consultations:

- Rivers advised that an undesignated watercourse runs through the middle of the site between both proposed dwellings and as per Policy FLD 2 of PPS 15 advised that an adjacent 5m working strip would be required to facilitate future maintenance by the riparian owner. As this is an outline application, a condition could be attached to ensure that a 5m strip is retained if approval is granted.
- DfI Roads offered no objections subject to conditions.
- NI Water recommended approval.
- HED were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Objections & Representations:

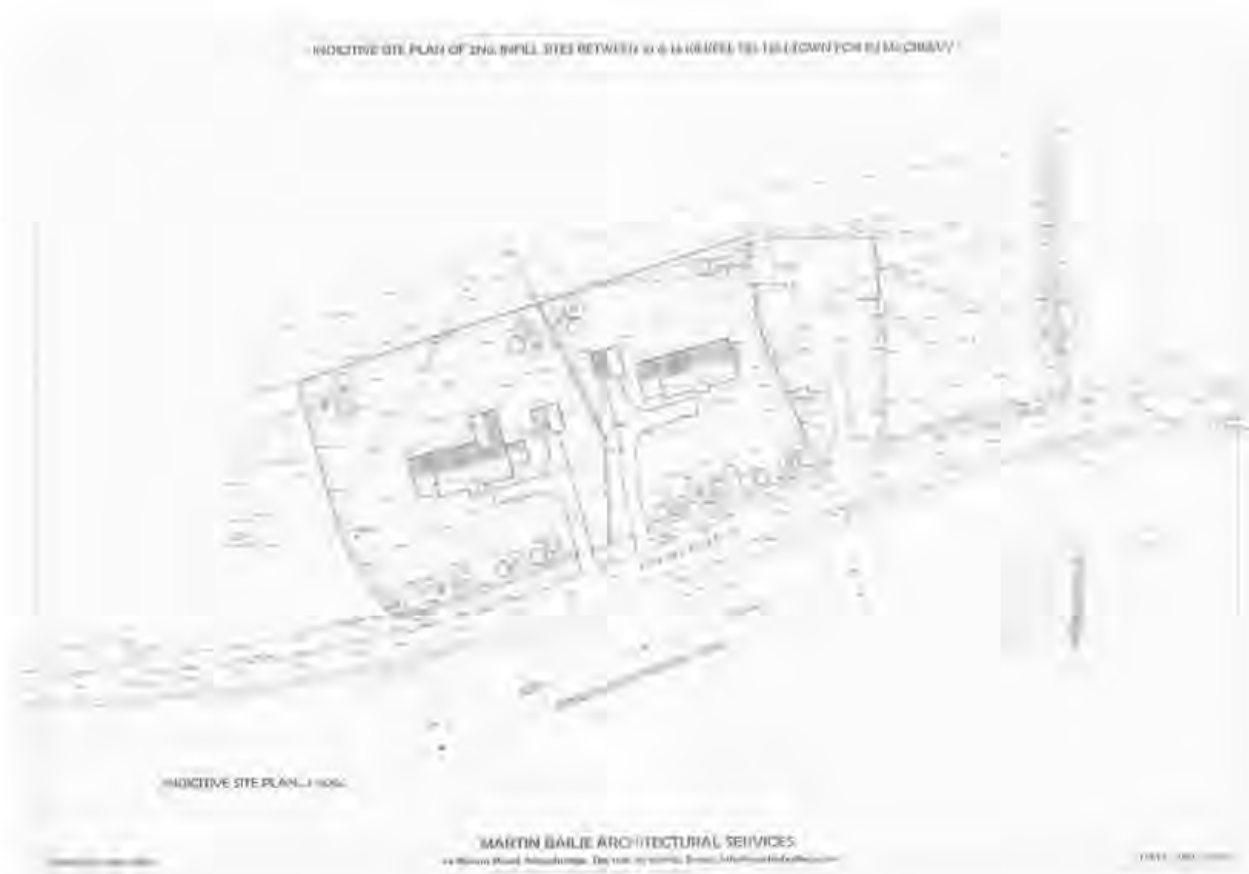
Two neighbours were notified 21.02.2022. Two further neighbours were notified 22.03.2022.

Advertisement: 26.01.2022

No objections or representations have been received to date (21.04.2022).

AssessmentProposal

This is an outline application for the erection of 2 dwellings and garages on an infill site on lands between Nos. 10 and 14 Kilkeel Road, Hilltown. As this is an outline application, no floor plans or elevations have been submitted. An indicative site layout plan has been submitted and shown below.



Indicative site layout

Principle of Development

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

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

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

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

- a. Identify whether there is a substantial and continuously built up frontage.
- b. Establish whether there is a small gap site.

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

This approach will be followed below.

However, before the assessment, it is important to note that, as noted above, this application site was recently assessed under Policy CTY 8 under planning application LA07/2020/1832/F whereby the Planning Department considered that the application site could accommodate more than 2 dwellings and therefore was not considered a small gap site under CTY 8. Nothing on site has changed since this assessment. Within the Concept Statement submitted under LA07/2022/0044/F, the agent outlined that "although there was a previous application on the site under LA07/2020/1832/F certain elements were not fully explored and unfortunately the application did not get discussed at Committee. It is our intention to address the new information fully and in doing so to get the application before the Planning Committee."

It appears that this application has been submitted solely to be discussed at Planning Committee. The agent is advised that the process of appealing a Planning Decision is through the Planning Appeals Commission.

As nothing has changed since the 2021 refusal on the application site, the assessment under Policy CTY 8 remains the same.

The site in question sits along the Kilkeel Road. West of the subject site is No. 10 Kilkeel Road which is a single storey dwelling with associated garage to the side. West of No. 10 is an access lane to No. 10A and beyond the laneway is an agricultural field. East of the application site is No. 14 Kilkeel Road which is a single storey dwelling with associated garage to the side. Beyond No. 14 is an agricultural field. This is shown below. The application site is roughly outlined in red.



Application site outlined in red and adjacent development

A substantial and continuously built up frontage is defined as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. There are 2 dwellings with road frontage (Nos. 10 and 14) with associated garages to the side which constitutes a substantial and continuously built up road frontage and thus the first test of the policy is met.

No. 14 has frontage of 13.4m, there is a gap of 108.2m and No. 10 has frontage of 60.1m. The average frontage for developed sites is 36.75m. As the subject site has a frontage of 108.2m, it is considered that the site can accommodate more than 2 dwellings i.e. 3 dwellings and is therefore not considered a gap site.

It is acknowledged that whilst the plot sizes along this stretch of Kilkeel Road vary in size, the road frontage for the subject site, in particular the site for House Type 1, is not comparable to the average plot site as shown on the screenshot above in that it is larger can could accommodate 2 dwellings whilst a 3rd dwelling could be sited in the remained of the application site, east of the dissecting hedgerow.

Appeal 2019/A0001 states that it is not merely a mathematical exercise, however the screenshot below from Google Maps shows the extent of the application site when travelling along Kilkeel Road.



The screenshots above show how large the application site appears when travelling east and west along the Kilkeel Road respectively. The building to building (garage to garage) distance is approximately 115m.

CTY 8 goes on to state:

*"Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore **not be permitted** except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases **it will not be sufficient to simply show how two houses could be accommodated**. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings."*

On this basis, the proposal is not considered acceptable as an infill opportunity. The provision of 2 new dwellings on this site does not comply with Policy CTY 8 as it is considered the existing gap provides relief and a visual break between the existing development and the development of this site would not be in-keeping with the rural character of the area.

An email was sent to the agent 31st March 2022 advising that as the proposal is considered to fail Policy CTY8, the application is likely to be recommended for refusal as the concerns of the previous application on the site still stand in that the site does not represent a small gap site as more than 2 dwellings could be accommodated on site and if the dwellings were permitted they would add to a ribbon of development along the Kilkeel Road; and would therefore result in a detrimental change to (further erode) the rural character of the countryside which would not be sympathetic to the special character of the AONB.

A response email was received from the agent 4th April 2022 stating the following:

"At this stage I still feel that the dwelling at 10a Kilkeel Road has a clear frontage to the road although it is set back up a lane and this dwelling and site have not been considered as part of the built-up road frontage. Previous Appeals have identified such site as being a clear part of the road frontage and if this is the case our proposed sites clearly respect the development pattern."

Within the 'Concept Statement' submitted, the agent also advises that "to the west are 2 dwellings with detached garages on sites similar in size to the application site. After this are 6 semidetached dwellings which form Bann View. Although the plot frontages here are much smaller in size they all add to the feeling of the substantially built up frontage".

The application site is circled in red below and the adjacent dwellings shown. As shown on the aerial and on the Google image below, an access laneway to No. 10a extends down to Kilkeel Road. The curtilage of No. 10a does not extend down to the road and therefore No. 10a is not considered to be part of the continuous and built up frontage.



Overall, the Planning Department consider the proposal contrary to CTY 8 for the reasons outlined above.

Design, Scale, Size and Massing

Policy CTY13 -Integration and Design of Buildings in the Countryside outlines that a dwelling will be acceptable where it is visually integrated into the landscape and is of an appropriate design.

The policy provides 7 criteria that should be met:

(a) A single storey ridge height condition and simple design in compliance with guidance outlined in Building on Tradition would ensure that the dwellings would not be a prominent feature in the landscape.

(b) The indicative site layout shows a portion of the hedgerow dividing the application site is to be retained and a portion removed and realigned. The reasoning for this has not been provided. The indicative site layout also shows a new hedgerow to be planted to define the rear boundary. The site boundaries are able to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

(c) The site is defined by natural boundaries along the southern boundary and is dissected by a hedgerow and mature trees. The northern boundary is undefined as the site is part of a larger field, however a new hedgerow is shown on the indicative site layout along this boundary which will provide a suitable degree of enclosure for the building to integrate into the landscape.

(d) Ancillary works will integrate into the surroundings.

(e) As this is an outline application, no floor plans or elevations have been submitted. I consider that single storey dwellings of a suitable scale and design would be appropriate.

(f) Again, as this is an outline application, no floor plans or elevations have been submitted. This would be considered at RM stage.

(g) The application is not for a farm dwelling.

The proposal complies with CTY 13.

Policy CTY14- Rural Character outlines that a dwelling will be acceptable where it does not cause a detrimental change to, or further erode the rural character of an area.

The policy provides 5 criteria that should be met:

(a) A single storey ridge height condition and simple design in compliance with guidance outlined in Building on Tradition would ensure that the dwellings would not be a prominent feature in the landscape.

(b) For the reasons outlined within the assessment for CTY 8, as it is considered that the site could accommodate more than 2 dwellings and is therefore not a small gap site, it is considered that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

(c) As outlined within the assessment for CTY 8, the proposal does not respect the traditional pattern of settlement exhibited in that area in that the plot sizes would be bigger than the surrounding plot sizes in the area.

(d) As mentioned above, the proposal is considered to add to ribbon development along Kilkeel Road.

(e) the impact of ancillary works (with the exception of necessary visibility splays) would not damage rural character.

The proposal fails to comply with Policy CTY 14.

Impact on Amenity

The closest neighbouring dwellings are Nos. 10 and 14 Kilkeel Road. The east and western boundaries of the site (common boundaries between Nos 10 and 14) are defined by a low wooden fence. A landscaping Plan would be required to be submitted at RM stage if outline approval is granted. Moreover, as this is an outline application, no floor plans or elevations have been provided. Nonetheless, I am satisfied that 2 dwellings of a single storey nature would be appropriate. Careful design and siting would also ensure that the 2 dwellings would not have a significant adverse impact on the amenity space of the neighbouring dwellings.

Accessibility & Transportation

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DfI Roads have been consulted and are content with the proposal subject to conditions.

PPS 2: Natural Heritage

The site is also within an Area of Outstanding Natural Beauty therefore Policy NH 6 applies.

Planning permission will be granted if all of the following criteria is met.

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

It is considered that the proposed siting of 2 dwellings on this site would not be sympathetic to the special character of the AONB in that the development of this site would result in a suburban style build up and would therefore erode the rural character of the area. The proposal fails to comply with criterion (a). HED were consulted as part

of this application and have no objections. The proposal complies with criterion (b). As this is an outline application, no floor plans or elevations have been submitted.

Summary:

As outlined above, the proposal is considered to be contrary to CTY 8 of PPS 21 in that the application site could accommodate more than 2 dwellings and is therefore not considered a gap site; therefore, no principle of development can be established at this site.

The proposal is also considered to be contrary to Policy CTY 14 of PPS 21 in that the proposed dwellings at this site would add to ribbon development along Kilkeel Road and would result in a suburban style build up in a rural area. Finally, the proposal is also considered contrary to Policy NH 6 of PPS 2 in that the proposed development would not be sympathetic to the special character of the Area of Outstanding Natural Beauty as this site provides an essential visual break between existing development and the development of this site would result in a suburban style build up.

Recommendation:

Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site does not represent a small gap site within a substantial and continuously built-up frontage.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development along the Kilkeel Road; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the proposed development would not be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

<p>Case Officer Signature: Eadaoin Farrell</p> <p>Date: 08.08.22</p>
<p>Appointed Officer Signature: M Keane</p> <p>Date: 08-08-22</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: P/2014/0120/F

2.0 Date Received: 03.02.14

3.0 Proposal: Commercial village retail store with first floor apartments and associated car park

4.0 Location: Vacant site fronting onto Glassdrumman Road, Annalong adjacent/between No 2 Kelly's Brae and No 3 Mullartown Heights, Annalong

5.0 Site Characteristics & Area Characteristics:

The site relates to land along the Glassdrumman Road, Annalong, adjacent/between No. 2 Kelly's Brae and No. 3 Mullartown Heights.

This is a triangular shaped site that is enclosed along the Glassdrumman Road by ranch style fencing. The north/north eastern boundary is enclosed by a one metre high block wall with ranch style fencing on top, this is the boundary with Nos. 2, 6, 8 and 10 Kelly's Brae, Annalong. Kelly's Brae is a cul-de-sac of detached and semi-detached dormer dwellings. The gable window of Nos 2 and 6 Kelly's Brae look towards the site. Nos. 8 and 10 back directly onto the site.

The southern boundary is defined by a concrete block wall and grass back. Nos. 3 and 5 Mullartown Heights have windows looking directly into the site. No. 3 backs directly onto the site, with No. 5 set at a higher level than the site (approximately 4 metres above).

There is currently a mound of overgrown earth in the middle of the site. Along the roadside there is a footpath and grass strip. The site rises gently in a westerly direction.

The site is located within the settlement development limit of Annalong as defined by the Banbridge, Newry and Mourne Area Plan 2015. The access will be on to the A2 Protected Route. This is a central area within Annalong and is made up primarily of residential properties.

6.0 Relevant Site History:

LA07/2019/0575/F - Environmental Improvements Scheme. Annalong- Public footpath from east of Annalong Presbyterian Church including the junction with Majors Hill and Glassdrumman Road to the junction with Mill Road and Shannagh Drive. (Adjacent and E) (Granted)

P/2010/0523/F - Erection of new street cabinet to facilitate provision of new fibre optic infrastructure across the BT network. Cabinet dimensions approx. 1600mm*1200mmwide*450mm deep. Opposite no. 5 Donnard Park and 22m south of no. 2 Kelly's Brae, Annalong (Adjacent and E) (Granted)

P/2006/1923/F - Extension to dwelling. 3 Mullartown Heights, Glassdrumman Road, Annalong. (Adjacent and S) (Granted)

P/2000/0094/F - Alteration to approved housing layout including a change of house type. Glassdrumman Road/Mill Road, Annalong. (Adjacent and NW) (Granted)

P/1999/0281- Proposed Housing Development (32 No dwellings). Between Nos. 6 and 10 Mill Rd and N of Mullartown Heights, Glassdrumman Rd, Annalong. (Adjacent and NW) (Granted)

7.0 Planning Policies & Material Considerations:

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- DES 2 - Planning Strategy for Rural Northern Ireland
- PPS3 - Access, Movement and Parking
- PPS7 - Quality Residential Environments
- PPS7 (Addendum) – Safeguarding the Character of Established Residential Areas
- PPS12 - Housing in Settlements
- PPS15 (Revised) - Planning and Flood Risk
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 10 (Revised) Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

8.0 Consultations:

Environmental Health: No objection in principle provided this is for a non-food retail use and conditional to hours of opening.

The proposed site is in near proximity to existing residential properties. The operation of this facility in this location has the potential to give rise to noise complaints. The applicant should be asked to provide details of any noise producing equipment which will be located outside the fabric of building (e.g. compressors, motors etc)/. A noise assessment should be carried out by a suitably qualified noise

consultant to determine the level of noise that existing residents and the first-floor apartments will be exposed to at this location.

Environmental factor of 'odours' is largely reduced assuming that all refuse storage is well maintained.

NI Water: No objections;

Roads Service: No objections

9.0 Objections & Representations:

The application was advertised in local newspapers on the 28th February 2014. Due to amendments re-advertised on the 14th November 2014 and 18th November 2015.

20 neighbours were notified on the 17th February 2014 with further notification due to amendments on the 12th November 2014 and 18th November 2015.

Objections:

There have been 11 objections received in relation to this application. The issues raised by the objectors are summarised as follows:

- Concerns in relation to the height of the building and its proximity to neighbouring properties which will result in a loss of privacy, overlooking, block sunlight, daylight and cause overshadowing.

The Planning Department are of the view that these concerns are substantiated, and that the proposal would have an adverse effect on neighbouring properties.

- That the proposal will have an overbearing effect.

Given the siting of the building to the rear of the site, close to the neighbouring dwellings in Mullartown Heights and Kelly's Brae, the Planning Department has concerns in relation to the height, scale and massing of the proposal and agree that there may be issues of overbearing impact.

- Concerns in relation to noise, disturbance and possible unpleasant odour.

The scale and nature of the proposal will itself create a certain amount of noise and disturbance. There will be four apartments which will generate traffic, both pedestrian and vehicular, along with a retail shop which will lead to the generation of noise and disturbance. The agent has indicated that the proposal will be one of non-food retail and therefore no concerns in relation to unpleasant odours.

- That the design and proportions of the building will conflict with the characteristics of the existing nearby properties and adversely affect the local character.

The building is out of keeping with the surrounding development that is primarily detached bungalows or semi-detached two storey dwellings.

- The commercial village is out of keeping with the existing residential area.

The commercial village is at odds with the surrounding character which is predominantly residential.

- There are several vacant commercial properties in Annalong.

This is an application for one retail unit, it is considered that the approval of one unit will not be detrimental to the overall commercial viability of Annalong.

- The site is not safe and there would be concerns in relation to an increase in anti-social activity.

There have not been any measures indicated to mitigate concerns in relation to security.

- The elevated walkway is a security risk to the properties that it backs onto.

The walkway would leave the properties open to overlooking.

- There will be new accesses created near the existing accesses which will result in further traffic accidents.
- Cars and lorries may park along the roadside to the front blocking visibility.

Roads Service are of the opinion that the access and road layout are safe provided servicing is only for non-food retail.

- Bin storage is not indicated on the plans. Concern in relation to vermin increase.

Bin storage shown on submitted plans.

- Increase in noise from delivery lorries and refuse trucks.

Depending on the use as non-food there are no concerns in relation to noise generation from delivery lorries and refuse trucks.

- There is no sewage treatment plant in Annalong.

NI Water have no concerns in relation to sewage removal.

- Additional retail properties are likely to adversely impact attempts to regenerate Annalong.

This is an application for one retail unit which have limited impact upon regeneration.

- Concerns over fast food operation being carried out on the site.

The application presented to the Planning Department is for a retail unit. The agent has indicated that this is a non-food retail unit. The Department can place a condition on the use of the retail unit.

9.0 Consideration and Assessment:

9.1 EIA Screening:

The proposal does not fall within the thresholds in which to carry out screening under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and therefore an Environment Statement is not required.

9.2 Planning Act:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations, this is considered further below.

9.3 Planning Policy Consideration:

As the site is zoned as whiteland within the Area Plan the existing policy provisions will be applicable.

9.4 SPPS:

The SPPS set out the criteria for the assessment of retailing applications.

This proposal is located within the village of Annalong. Within the immediate area the development is mostly residential with the only the Halfway House situated on the corner of Mill Road and Annalong Gospel Hall, being the difference in this established character of development.

There are some retailing facilities to the centre of the village with the presence of the pharmacy adjacent to the surgery and the retail shop within the grounds of the filling station.

A few other buildings in this locality have shop fronts but appear to be vacant. As part of the applicant's submission they have stated that this proposal is for a non-food retail outlet. They have highlighted that there are at present 21 current commercial or sui generis properties within the village, 9 of which are vacant. The agent has divided the village up into three areas and highlighted a requirement of a retail unit at the most northern end of the village.

However, given that they have stated that it is to be non-food, it is difficult to understand how the retail proposal cannot be accommodated in an existing vacant property and be situated in the village where most of the retailing commercial element is already located.

The Planning Department wrote to the agent in February 2020 asking them to clarify their proposal and state categorically whether the proposal was for food retail or non-food retail. To date no response has been received. Therefore, it has not been fully demonstrated that there is a requirement for further retail use within the Village of

Annalong. This proposal fails to justify the principle of approval of more retailing within Annalong.

9.5 SPPS and PPS 12: Housing in Settlements

Planning Control Principle 1-

Increased Housing Density without Town Cramming

The policy directs that an increase in the density of housing development should be promoted within town and city centres however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the density along with form, scale, massing and layout respect adjacent housing and safeguard privacy. It is considered that the design and layout of the development does not adhere to the principles set out within PCP1 and in permitting such proposals will inevitably result in adverse impact upon the local character and environment with significant adverse implications to the existing residents at Mullartown Heights and Kelly's Brae.

Further consideration of these issues has been considered under PPS7.

Planning Control Principle 2- Good design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7.

Planning Control Principle 3- Sustainable forms of development.

While the site is within the settlement area, the development would harm the character of the immediate residential area, therefore it is not considered to be a sustainable form of development. There is further consideration of this within PPS7.

9.6 SPPS and PPS 7

Policy QD1 of PPS7 expects that all proposals for residential development should conform to several criteria.

Criterion (a) requires that the development should respect the surrounding context and be appropriate to the character of the site in terms of the scale, proportions, massing and appearance of buildings, structures, landscaped and hard surfaced areas. In the context and nature of the commercial building and apartments on the site, the design and layout of the proposed buildings with a set back from the roadside, large area of hard standing, very little landscaping, a ridge height of 10 metres and large shop windows is inappropriate. The proposal is therefore contrary to criterion (a) of Policy QD1.

Criterion (b) relates to existing landscape features integrating into the design and layout. However, most of the site is devoid of any existing landscape features with only sparse vegetation evident. The appellant has indicated the provision of new boundary planting as part of the proposed scheme which could improve the existing situation. However, while landscaping has been indicated on the plans no landscaping schedule has been shown to clearly outline the landscaping proposed.

Landscape features are not evident on this site. Minimal planting has been proposed around the site boundaries and very little effort has been made to soften the visual impact of the development.

However, at this location the proposal will appear as a large commercial development. This, combined with the set back from the Glasdrumman Road and large area of hard standing to the front of the development, will undermine the character and appearance of the area, and the development will result in overlooking to the rear of the properties at Kelly's Brae and Mullartown Park

Therefore, this proposal does not meet the criterion b.

Criterion (c) requires that adequate provision is made for private open space and landscaped areas as an integral part of the development. Paragraph 5.20 of Creating Places advises a minimum of 10m² to around 30m² of private open space per unit. It states that the appropriate level of provision should be determined by having regard to the context of the development and the overall design concept. The proposal indicates open communal open space of 48m sq. of open space for 4 apartments.

The proposal therefore just falls within the minimum open space requirement with 12m sq. per apartment and complies with criterion (c).

Criterion (d) requires that provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. It could be argued that this proposal is a neighbourhood facility as it would serve the surrounding area.

Criterion (e) relates to a movement pattern being 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 proposal does provide parking for those whose mobility is impaired, cycle parking stands and a designated pedestrian walkway. This proposal would therefore comply with criteria e.

Criterion (f) relates to adequate and appropriate provision for parking. The layout shows provision of 20 parking spaces, 2 of which are for those whose mobility is impaired. This meets the requirement for both the residential parking and the added non-food retail. The proposal would therefore meet this criterion.

Criterion (g) relates to the design of the development drawing upon the best local traditions of form, materials and detailing.

It could be argued that the scale of the building is out of keeping with the surrounding development that is primarily bungalows or two storey dwellings.

The proposed ridge height is 10 metres which is considerably larger than surrounding development. There is also a significant area of glazing proposed which gives the building a modern feel in an area which comprises of housing of moderate traditional design. There is also a large area of hard standing to the front of the building which has the potential to alter the streetscape and is out of character with the existing character of development of having street frontage development or garden areas to the front. The proposal therefore fails criterion g.

Criterion (h) of Policy QD1 requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The residential development at Kelly's Brae is located on higher ground to the north west of the site. The dwellings at Nos. 2, 6, 8 and 10 are located adjacent to the site. There are concerns in relation to overlooking from the first-floor apartments, loss of light and noise disturbance.

Creating places highlights that a minimum distance of 20m back to back for residential development is required. In this instance the back to back distances at its closest point is 7m.

This proposal would therefore fail to represent a quality residential development and would if allowed result in town cramming of development and the loss of quality private amenity space for the existing residents at Kelly's Brae highlighted above.

There is also proposed car parking along the boundary of Nos. 3, 5 and 7 Mullartown Heights. The existing boundary here is consists of a low 1.2m block wall. If the proposal was allowed this development would have a severe impact on the private amenity space for these existing dwellings here also.

Again, the layout shows planting, but no landscaping schedule has been provided to detail this so that it can be assessed. The proposal therefore fails criterion h. There have been several objections received from the neighbouring properties, these will be considered below.

Criterion (i) relates to the development being designed to deter crime and promote personal safety. There does not appear to be any crime prevention measures proposed for the development. The proposal therefore fails criterion i.

Overall the proposal is contrary to Policy QD 1 of PPS 7 failing criterion A, B, G, H and I.

9.7 SPPS and PPS7 (Addendum)

LC 1 assesses the impact proposals would have on areas of established residential character. This proposal would result in the introduction of apartments within an area which is characterised by semi-detached and detached dwellings with private amenity. This proposal seeks to introduce apartments with communal amenity space which is not within the character of the existing area, in relation to built form, materials, design, plot size and form. This proposal is contrary to LC 1.

9.9 DES 2 – Townscape

DES 2 assesses the impact this proposal will have on the character of the streetscape of Annalong.

The principle development along the street frontage of Annalong is roadside development or set back with garden space to the front. This proposal introduces a large mass of a building which is sited to the rear of the site with a hard surfaced area to the front. This is out of keeping with the existing streetscape within the village and will have a detrimental impact on the streetscape when assessed under DES 2.

10.0 PPS3 – Access, Movement and Parking, Parking Standards and DCAN 15 – Vehicular Access Standards

AMP 7 of PPS 3 assesses whether adequate parking has been provided. There are 20 spaces provided which have been separated into residential and customer and the provision of disabled parking spaces also. This proposal meets this policy.

AMP 3 assesses the access of this proposal on the protected route within the settlement limit of Annalong. This proposal has adequate splays shown of 2.4m x 45m and Transport NI have reviewed the plans submitted and have stated that they have no objections to the proposal dependent on it being a non-food retail proposal, as the servicing of a non-food retail unit is less frequent and utilises smaller vehicles to those used to service a food retail unit. Therefore, given Transport NI's comments this proposal is acceptable when assessed against AMP3.

11.0 SPPS and PPS15 – The Planning Department have requested a Drainage Assessment from the agent in September 2020 as per policy FLD 3 given that the proposal involves a hardstanding of more than 1000m². The agent has not responded to this request at all and this information remains outstanding. The Planning Department have also written to the agent both in February and in September 2020 to request that he clarifies what type of retail he is proposing on site. Again, these requests have went unanswered.

12.0 Water and Sewerage

The applicant proposes to connect to the mains water supply and public sewer with surface water captured by mains/ storm water.

Having reviewed the NIW comments there is available capacity at the Waste Water Treatment Works, provision of public sewer and surface water sewer and a public water supply.

13.0 Impact to European Sites:

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council.

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

The assessment of the proposal demonstrates that there is no pathway for impacts from the proposal to have an effect on any European site or its selection features.

14.0 Consideration and Assessment Summary:

The Planning Department have tried to engage with the agent on several occasions throughout the lifetime of this application. The agent has failed to provide information in a timely manner and the Planning Department has been more than accommodating in giving him time to response to queries. There are clear concerns about the impact of this proposal on the existing amenity of Residents of Kelly's Brae and Mullartown Heights. The proposal is therefore recommended for refusal for the refusal reasons below.

15.0 Recommendation: Refusal

16.0 Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement paragraph 6.280 – 6.283 in that it has not been demonstrated why that there is a need for this retail proposal within the village or demonstrated why an existing vacant commercial building can be used for the proposal.
2. The proposed development is contrary to the SPPS and Policy QD 1 (criteria a, b, g, h, and i) of Planning Policy Statement 7: Quality Residential Environments and Planning Control Principles 1,2 and 3 of Planning Policy Statement 12 (PPS12): Housing in Settlements and associated guidance, as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:
 - The development does not respect the surrounding context and is not appropriate to the character of the site in terms of size, scale, massing, layout, appearance of buildings and hard surfaced areas;
 - Inadequate landscaping provision

- Inadequate provision has been made for public and private open space as an integral part of the development, is dominated by hardstanding and will result in adverse visual impact and is unable to satisfactorily integrate into its surroundings;
 - the design of the development does not draw upon the best local traditions of form, materials and detailing
 - The design and layout is an overdevelopment of the site and will create conflict with adjacent land uses in terms of overlooking, loss of privacy, loss of day light, overshadowing, noise and general disturbance harming the living conditions of residents at Kelly's Brae and Mullartown Heights;
 - The development has not been adequately designed to deter crime and promote personal safety;
3. The proposal is contrary to Policy LC 1 of the Department's Planning Policy Statement 7 (PPS 7): Quality Residential Environments in that the applicant has failed to demonstrate that the proposal is in keeping with the character of residential development within the immediate area.
 4. The proposed development is contrary to the Rural Planning Strategy for Northern Ireland Policy DES 2 in that the proposal fails to respect the road frontage development, massing, scale, design and siting of the character of development within the existing streetscape of Annalong.
 5. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15 (Revised): Flood Risk, in that no Drainage Assessment has been submitted to demonstrate that this proposal will not have an adverse impact on flooding within the local environment.
 6. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a Drainage Assessment and the type of retail proposed was required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer Signature: Patricia Manley

Date:23.09.22

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1625/F

Date Received: 23rd October 2017

Proposal: Self-catering accommodation comprising 8 self-catering units, open space and car parking

Location: Adjacent to 77 Leestone Road, Kilkeel, BT34 4NW.
The site is located on the coast 1 mile NE of Kilkeel.

Site Characteristics & Area Characteristics:

The site is a vacant field overgrown with grass and whin bushes. It was formerly a sand pit. Most of it is relatively flat, except a steep bank at the northern end. It is accessed via a laneway which runs parallel to the coast from the end of Leestone Road. The site is located in a coastal area 1 mile NE of Kilkeel. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The area is dominated by tourism development (caravan parks) and some residential and agricultural uses. Part of the site is within a coastal flood zone and part is a surface water flood zone.



Site History:

P/2004/3198/O – Site for holiday homes – Refused 2nd January 2007 (Reasons: integration, build-up, lack of tourist need, failure to conserve the undeveloped coast)

P/2010/1055/O – Site for self-catering accommodation for the tourism industry – Approved 26th October 2011

P/2014/0408/RM – Self-catering accommodation for the tourism industry comprising 8 self-catering units, open space and car parking – Approved 13th November 2014

The above approval has now lapsed and there have been a number of subsequent changes in tourism policy as well as flooding and coastal policy. No weight can be given to the lapsed permission and the current application will be assessed solely on its own merits.

Planning Policies & Material Considerations:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS15 – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide
- The UK Marine Policy Statement

Consultations:

TransportNI – Requested that the red line was extended to meet Leestone Road. No objections following receipt of an amended plan showing this.

NI Water – Site-specific informatives. A foul sewer is not presently available but could be requisitioned.

Environmental Health – No objections provided the site is connected to the main sewer.

Rivers Agency – A portion of the site lies within the 1 in 200 year coastal flood plain. A Flood Risk Assessment and Drainage Assessment would be required. The proposal is considered contrary to policy FLD1.

NIEA – This is inappropriate development on a stretch of vulnerable coastline, contrary to the SPPS and the UK Marine Policy Statement. Standard advice on sewerage and drainage. A Preliminary Ecological Survey should be undertaken.

Shared Environmental Services – Potential impacts on Carlingford Marine Proposed SPA. Requested details of any proposed coastal protection works, details of any proposed works within the marine environment (including drainage) and details of pollution prevention measures to protect the water environment both during construction and thereafter.

Objections & Representations:

The application was advertised in the *Mourne Observer* on 8th November 2017 and two neighbouring properties were notified of the proposal on 9th November 2017. Following the change to the red line to include the access, the application was re-advertised on 2nd May 2018 and three neighbours were notified on 20th April 2018. No objections or representations were received.

Consideration and Assessment:

The proposal is for three separate blocks of accommodation arranged along the northern and western sides of the site with car parking and landscaping to the east. The buildings are 1½ storey with traditional proportions, chimneys on the ridge, slate roofs, smooth rendered whitewashed walls with some natural stone and timber sliding sash type windows. The remainder of the site will be landscaped with informal parking areas, decking/BBQ areas and planting.

The main issues to be considered are the principle of the development under tourism policy, implications under the revised coastal and flooding policies of the SPPS and PPS15, impacts on protected sites and habitats, design and integration, impacts on amenity and road safety.

Policy RG4 of the Regional Development Strategy 2035 aims to promote a sustainable approach to the provision of tourism infrastructure. All new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends. Development of tourism infrastructure needs to be appropriate to the location to ensure that the natural assets are protected and enhanced. It has not been demonstrated that this proposal will not harm the surrounding natural environment and the adjacent eroding coastline. The principle of the proposal and its impact on the environment will be assessed in detail under existing operational policy below.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The Plan reflects the approach of the RDS in seeking to provide a choice of tourist accommodation whilst balancing this against the need to protect the natural and built environment. There is no specific policy for tourism development. The site is outside settlement limits in a rural area and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Development proposals in rural areas will be considered under PPS21. Impact on the AONB will be considered under PPS2.

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

scheme must be considered under that policy. As there is no significant change to the policy requirements for tourism following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS16 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The design and integration policies of PPS21 (CTY8, CTY13 and CTY14) will also be considered below.

Paragraph 5.4 of PPS16 sets out four circumstances where 3 or more new build self-catering units would be acceptable under this and other current policies. As it does not involve the re-use of existing farm buildings, is not within a designated Dispersed Rural Community or a tourism opportunity zone designated in a development plan, the only possible option is for new build proposals associated with an existing or approved tourist amenity under policy TSM5. Policy TSM5 gives three options for new self-catering units. The proposal does not meet any of these as it is not within the grounds of an existing holiday park, it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and it does not comprise the restoration of an existing clachan or close. Accordingly, the proposal is unacceptable in principle under current tourism policy. It is therefore unacceptable as development in the countryside under policy CTY1.

Tourism development proposals are also subject to the design and general criteria in policy TSM7. There are no concerns with design or layout which are as previously approved and reflect local architectural styles, materials and boundary treatments. The design is such that it would deter permanent residence. The land use is considered compatible with the surrounding area which has extensive tourist accommodation including caravans. It should not harm the amenity of nearby residents. Further information would be required to demonstrate whether there would be an adverse impact on natural heritage features including a European Site at the adjacent coast. The Council advised the applicant of this requirement, but did not formally request the information as the scheme was unacceptable in principle and we did not wish to put the applicant to the expense of providing the information unnecessarily. A mains sewer is not presently available, though NI Water indicated that one could be requisitioned and that there is available capacity at the receiving Wastewater Treatment Works in Kilkeel. There are no concerns regarding access following the extension of the red line to meet the public road and the Leestone Road can safely handle the resultant increase in vehicular traffic. The proposal would not constrain public access to the coastline.

As development in the countryside, the proposal is subject to the design and integration criteria for buildings in the countryside in PPS21. Policy CTY13 deals with Integration and Design of Buildings in the Countryside. The site is viewed principally from Leestone Road to the east and from the shared coastal laneway that runs along the south of the site. The local landscape by its nature is extremely open, though this site would benefit from the backdrop of the bank to the north, created by former mineral workings. Given the landscape setting of the site and the design which is locally distinctive, the buildings should not appear as prominent features in the landscape. The proposal is not contrary to policy CTY13. It is also in general accordance with policy NH6 of PPS2 with regard to its impact on the Mourne Area of Outstanding Natural Beauty.

A separate test under policy CTY14 is the issue of build-up. The introduction of three new buildings into an area which has an otherwise dispersed settlement pattern would result in a build-up of development that would change the hitherto rural character of the area. They would read with dwellings to either side of the site, a building on the opposite side of the laneway and development at the caravan park to the east. This coastal landscape is considered particularly vulnerable to a build-up of development given the open nature of the landscape. It would also result in the creation of a ribbon of development along with the existing properties Nos. 77 and 83. Paragraph 5.33 of PPS21 notes that a ribbon does not necessarily have to have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. The buildings either side of this site are set back, but share a common frontage onto the coastal laneway and would read together with the proposed development as a ribbon. The proposal is therefore contrary to policies CTY8 and CTY14 of PPS21.

A portion of the site, including part of the siting of Block C as well as car parking space, lies within the 1 in 200 year coastal flood plain. A one-off tourism development on a previously undeveloped site would not meet any of the exceptions within policy FLD1 of PPS15 where development can be contemplated if a Flood Risk Assessment is undertaken. Therefore the Council did not request a flood risk assessment. The proposal is contrary to policy FLD1. A Drainage Assessment would also be required for a proposal of this scale and in its absence, the proposal is contrary to policy FLD3.

The proposed self-catering units are approximately 40m away from the marine environment and High Water Mark. The proposed access road into the site off the Leestone Road is approximately 15m from the sand and shingle coastline. It is adjacent to an area of soft sediment coastline which is vulnerable to erosion. The future viability of the access road and potentially the development could be at risk. Given that this is an area of coastline known to be actively eroding, the proposed works are in conflict with the Strategic Planning Policy Statement (SPPS) for Northern Ireland. The SPPS states in paragraph 6.42 that "development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability". It is also widely accepted that sea level is rising in Northern Ireland and we are experiencing more frequent storm events. Coastal erosion caused during storm events is predicted to increase due to climate change. A core planning principle stated in the SPPS relates to mitigating and adapting to climate change. Paragraph 3.13 states that the planning system should help to address climate change by "avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms". This is one such site. The planning authority recognises the fact that there is existing development along this part of the coast, but it is not sustainable to permit a further large development given the clear direction of the new coastal policy. The proposal is not in accordance with the UK Marine Policy Statement (MPS) section 2.6.8 in that inappropriate development should be avoided in areas of highest vulnerability to coastal change and flooding. The proposal is not in accordance with the Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015 paragraph 6.42 in that development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability.

The application site is in close proximity to national and European designated sites:

- Carlingford Marine pSPA designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds).
- Kilkeel Steps ASSI declared under the Environment Order (Northern Ireland) 2002.

In addition to designated sites marine mammals are afforded protection throughout their range through the following nature conservation legislation:

- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); and
- The Wildlife (Northern Ireland) Order 1985 (as amended).

This includes marine mammals such as cetaceans and seals. Seals are present along this County Down coastline and are also a site selection feature of Murlough SAC. All plans/projects within or adjacent to the marine environment must therefore provide appropriate mitigation, if required.

The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it was concluded that further information (including details of coastal protection works, details of any works within the marine environment, and details of pollution prevention measures) was required to assess potential impacts on the selection features, conservation objectives and status of Carlingford Marine Proposed SPA. The Council advised the applicant of this requirement, but did not formally request the information as the scheme was unacceptable in principle and we did not wish to put the applicant to the expense of providing the information unnecessarily. However, without the information, the Habitats Assessment cannot be completed and the proposal is contrary to policy NH1 of PPS2.

Policy NH1 of PPS2 states that planning permission will only be granted for a development proposal that is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance) or a listed or proposed Ramsar Site. The equivalent section of the SPPS (paragraphs 6.175 – 6.178) is comparable. The proposed extension to Carlingford Lough SPA/Ramsar falls into this category. As it has not been demonstrated that there will be no significant effects on the European site, the application is contrary to this policy.

Impacts on the ASSI designation must be assessed under policy NH3. In the absence of the information referred to above, the proposal is contrary to policy NH3 as it has not been demonstrated that the proposal is not likely to have an adverse effect on the integrity of the ASSI, or that mitigation measures will be undertaken.

In summary, the application is unacceptable in principle under tourism, coastal and flooding policy, it has not been demonstrated that it will not have a significant effect on a European site and it would result in ribbon development and build up. It is not a sustainable development and should be refused for the reasons below.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16: Tourism, because it is not within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park, it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and it does not involve the restoration of an existing clachan or close, through conversion or replacement of existing buildings.
3. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and section 2.6.8 of the UK Marine Policy Statement in that this area of the coast is known to be at risk from flooding and coastal erosion and the development is inappropriate in an area of high vulnerability to coastal change and flooding.
4. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed development is partially located in a coastal flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.
5. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
6. The proposal is contrary to paragraph 6.176 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2: Natural Heritage, in that the site lies adjacent to a proposed Special Protection Area / Ramsar Site (Carlingford Lough extension) and it has not been demonstrated that the proposal will not have a likely significant effect on this European designated site.
7. The proposal is contrary to paragraph 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH3 of Planning Policy Statement 2: Natural Heritage, in that the site is in proximity to Kilkeel Steps ASSI and it has not been demonstrated that the proposal is not likely to have an adverse effect on the integrity of the ASSI, or that mitigation measures will be undertaken.
8. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would, if

permitted, result in the creation of ribbon development along the coastal laneway.

- 9. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it would result in a suburban style build-up of development when viewed with existing buildings, would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1625/F

Date Received: 23rd October 2017

Proposal: Self-catering accommodation for the tourism industry comprising 6 self-catering units, open space and car parking

Location: Adjacent to 77 Leestone Road, Kilkeel, BT34 4NW.
The site is located on the coast 1 mile NE of Kilkeel.

1.0. This application was tabled for the Planning Committee on Wednesday 1 August 2018 with a recommendation to refuse for the following reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16: Tourism, because it is not within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park, it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and it does not involve the restoration of an existing clachan or close, through conversion or replacement of existing buildings.

3. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and section 2.6.8 of the UK Marine Policy Statement in that this area of the coast is known to be at risk from flooding and coastal erosion and the development is inappropriate in an area of high vulnerability to coastal change and flooding.
4. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed development is partially located in a coastal flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.
5. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
6. The proposal is contrary to paragraph 6.176 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2: Natural Heritage, in that the site lies adjacent to a proposed Special Protection Area / Ramsar Site (Carlingford Lough extension) and it has not been demonstrated that the proposal will not have a likely significant effect on this European designated site.
7. The proposal is contrary to paragraph 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH3 of Planning Policy Statement 2: Natural Heritage, in that the site is in proximity to Kilkeel Steps ASSI and it has not been demonstrated that the proposal is not likely to have an adverse effect on the integrity of the ASSI, or that mitigation measures will be undertaken.

8. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along the coastal laneway.
 9. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it would result in a suburban style build-up of development when viewed with existing buildings, would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
- 2.0.** The application was withdrawn from the Agenda by the Chief Planner 'in order to discuss with the applicant the need for reports to be submitted from various consultees so that full consideration could be given when assessing the application'.
- 3.0.** The Planning Department contacted the applicant on 1 August 2018 and confirmed the information that was required to address issues raised by a number of statutory consultees: a Preliminary Ecological Assessment (DAERA, Natural Environment Division and Shared Environmental Services (SES) and details of any proposed coastal protection works or other works within the marine environment, pollution prevention measures and mitigation measures in relation to seals (DAERA, Marine and Fisheries Division).
- 3.1.** The applicant provided a Preliminary Ecological Assessment and other related ecological information, subsequently requested by DAERA. Having considered all of this additional information, both DAERA Natural Environment Division and SES, in their latest responses to the Planning Department, have confirmed they have considered the impacts of the proposal on designated sites and other natural heritage interests and have no objections to the proposal subject to recommendations.
- 3.2.** The applicant reduced the proposed development area within the application site and reduced the scale of the proposal from 8 self-catering units to 6 self-

catering units. DFI Rivers has confirmed that a Flood Risk Assessment and Drainage Assessment are no longer required, based on this reduction in scale. It also recommended that any new development be allowed an additional freeboard of 600mm above the 1:200 year coastal flood level. The applicant subsequently submitted additional drawings to include this detail.

- 3.3.** The applicant provided a Letter/Report from RPS Consulting Engineers which sought to address the concerns raised by Marine and Fishery Division around coastal erosion and climate change, namely, 'the proposed access road is vulnerable to coastal erosion and climate change respectively. The proposed access road into the site off the Leestone Road is approximately 15 m from the sand and shingle coastline, adjacent to an area of soft sediment coastline which is vulnerable to erosion. The future viability of the access road and potentially the development could be at risk'.
- 3.4.** DAERA Marine and Fisheries Division reviewed the additional material. It reiterated, in its final response on 19 November 2018, its concerns that further development should not be permitted in this area, where the access road has been threatened by coastal erosion. Increased traffic on this access road is likely to put increased pressure on this already fragile site. Its concerns, on this issue, remain.
- 4.0.** The applicant subsequently confirmed in a letter dated 3 May 2022 that all of the information required by Council had been submitted and sought a determination of the application. The applicant also made a detailed submission in support of the application based on the following points. The issues, as summarised in bold, have been addressed by the Planning Department, as follows:
- **Weight should be attached to the planning history on the site which included an approval, by the previous planning authority for self-catering units.**

Planning history is a material consideration to be considered as part of the assessment of this application. It is a matter for the planning authority to assess how much weight should be attached to the history. This issue is addressed further below.

- **The basis for the previous recommendation to Committee has changed due to the submission of amended plans and the revised layout.**

It is accepted that the basis of the previous recommendation to Committee has changed following the submission of the additional information and amendments to the scheme by the applicant and the completion of the statutory consultation process. As a result, the refusal Nos 4, 5, 6 and 7, listed at Para 1.0, no longer apply and have been removed from the revised recommendation to Committee as outlined below.

The nature of planning permissions adjacent to the application site.

The applicant has referred to 2 specific applications adjacent to the planning application site. These, it is stated, are considered comparable to this application and a similar outcome should be arrived at in the case of this application on the grounds of administrative fairness.

On a general point while previous applications may be a material consideration in the assessment of any application, the specific circumstances around each application will differ. Consequently, it is a well-established planning principle that each application must be treated on its own merits.

- **LA07/2020/1894/F**, an application for a replacement dwelling approved on 7 April 2021 with access onto the Leestone Road. It is considered that the specific circumstances of this application were different to that of the application now under consideration. The previous application related to the replacement of a dwelling which was capable of

habitation. An approval, in these circumstances, would not have resulted in any intensification of use of the existing access as there was a clear fallback position. No consultation was issued to DAERA Marine and Fisheries Division.

- **LA07/2016/1126/F:** an application for an extension to a Caravan Park, again with access via the Leestone Road, approved on 18 January 2018. It is acknowledged that DAERA, (Marine and Fisheries Division) raised concerns with the application and the proposed access along Leestone Road, in its initial response to the Planning Department. The Case Officer report made reference to a later response which confirmed that DAERA had no further comments to make. The application was approved.
- **The previous planning authority accepted that the site was an infill site and that build-up of development was not then an issue. These reflect provisions of CTY 8 and CTY 14 principles remain in current planning policy and have not changed.**

This is a reference to the Planning Departments reasons for refusal No 8 and 9 listed above at Para 1.0. In the previous planning authority's final assessment of this application, these issues were raised in the case officer's report but determining weight was given to a previous commitment on the site by the then Divisional Planning Manager.

The use of the site for self-catering accommodation remains acceptable under prevailing planning policy. The existing planning approvals cannot be set aside in the interests of consistency and fair play in determining the current application.

As stated above, the planning history is a material consideration to be considered as part of the assessment of this application. It is a matter for the planning authority to assess how much weight should be attached to the history.

The previous outline approval for self-catering units was granted under a previous planning policy regime and was judged to be acceptable. While it is acknowledged that the publication of a number of planning policy statements, following the granting of the previous approval, have introduced changes to the policy context, weight should also be applied to the earlier approval for self-catering apartments on the site, which expired 1 year prior to the submission of this application.

- **The proposal will add to the tourist package in the area and will bring significant benefits. There is a great demand for self-catering accommodation in the area, including the Greencastle Ferry and there is local support for the application.**

Potential benefits are a material consideration in the assessment of an application, when applicable.

- **Kilkeel Harbour is a tourist attraction.**

While acknowledging that the Harbour is an attraction it is not considered to be an amenity that would satisfy the requirements of TOU 5, in this case.

5.0. The Planning Department has re-considered this proposal in the light of the additional information submitted and the comments submitted in support of the application.

5.1. The Planning Department acknowledges the significant concerns expressed by DAERA, Marine & Fisheries Division in relation to coastal erosion, the impact of climate change and the potential impact of additional traffic on the Leestone Road. It acknowledges its concerns 'with applications, such as this, where there is an absence of current scientific data related to coastal change' and the need for 'a precautionary approach in assessing proposals'.

While these are real concerns that must be considered in the assessment of each planning application, when they arise, the specific circumstances of each application must also be considered.

- 5.2. In this case the application site had the benefit of a planning approval for self-catering accommodation which expired one year prior to the submission of this application and weight must also be attached to this factor. It must also be acknowledged that planning permission was recently granted for an extension to an existing caravan park, on a nearby site accessed via the Leestone Road, by the Planning Authority in consultation with DAERA, Marine & Fisheries Division. This was granted following the submission of this application and must also be a material consideration.
- 5.3. In addition, DFI Rivers considered the additional information submitted by the applicant, which confirmed that the amended scheme is located beyond the area indicated as at risk from potential flooding. The applicant has been made aware of the comments of Marine Fisheries Division and it will a matter for the applicant to address these, should the need arise in the future. Any subsequent works impacting on Leestone Road would require to be made the subject of a planning application.
- 5.4. On balance, while the impact of climate change and coastal erosion will always remain a significant issue to be considered in the assessment of any future planning application, much depends on the circumstances of each application. In this particular case, having re-assessed all of the relevant material considerations, it is considered that it would be difficult to withhold permission in the light of the specific circumstances impacting on this site and planning approval can issue subject to appropriate planning conditions.

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1588/F

Date Received: 19.10.2020

Proposal: The application is for full planning permission for the development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works.

Location: The site is located at the former St. Patrick's Primary School site Ardglass Road Downpatrick.



Site Characteristics & Area Characteristics:

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

The site is located at the junction of Ardglass Road and John Street. It is currently a vacant site which has become overgrown with some vegetation following the demolition of the former primary school on the site. Google streetview 2008 indicates that there were vehicular

accesses to the school site on John Street and St Dillons Avenue with a pedestrian access onto the Ardglass Road close to the junction with John Street. The fencing from the former school still currently encloses the site.

The site is located to the south of Downpatrick approx 250m from the Town Centre. There are residential properties to the north of the site on St Dillons Avenue which include pairs of semi-detached two storey red brick dwellings. There are playing fields to the east, residential properties and St Mary's High School are located to the south of the site across the Ardglass Road. The former Downe Hospital has a recently constructed residential development which is located to the west where construction is at an advanced stage with a vehicular access opening onto John Street.

Site History:

LA07/2020/0009/PAD | Junction of John Street & Ardglass Road, Downpatrick | Petrol filling station, two convenience retail units. one hot food unit and associated access and parking arrangements

R/2008/0396/F | St Patricks Primary School, St Dillon's Avenue | Removal of 2No 54sqm mobiles and provision of single mobile with toilet facilities. Permission Granted 03.09.2008.

R/1994/0725 | St Patrick's Boys' Primary School St Dillon's Avenue Downpatrick | Extension to provide caretaker's store | Permission Granted.

R/1991/0578 | Adjoining St Dillons Avenue Edwards Street and Ardglass Road Downpatrick | Palisade fencing around playing fields | Permission Granted.

Other associated planning applications for the primary school.

Planning Policies & Material Considerations:

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.

Ards and Down Area Plan (2015) – The site lies within the settlement limits of Downpatrick.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

SPPS: Town Centres and Retailing: Para 6.278 relates to retailing in villages. Policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

PPS 2: Natural Heritage: Sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking: Sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning Archaeology and the Built Heritage sets out the policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people property and Environment.

Guidance

DCAN 15 Vehicular Access Standards

DOE Parking Standards

Consultations:

NI Water – Statutory Response PDE should be applied for. NI Water notes the following.

There is available capacity at the WWTW. There is a public foul sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. There is a public surface water sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. Connections will be restricted to Greenfield Runoff rate of 10 litres/second/hectare.

DFI Roads – No objections subject to PSD conditions

NIEA – WMU – If Northern Ireland Water Limited (NIW) indicate that the WWTW and associated sewer network is able to accept the loading generated by the proposal, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal. NI Water have indicated there is available capacity at the WWTW.

NIEA Land Soil Air – No objections subject to conditions

NIEA – NED – No objections subject to a condition

Environmental Health – No objections subject to conditions

Historic Environment Division (HED) – No objections

Dfi Rivers – No objections

Shared Environmental Services (SES) – no formal consultation required.

Objections & Representations

In line with statutory requirements neighbours have been notified on 15.11.2021 and again with amended plans on 31.03.2022 and 09.06.2022. The application was advertised in the Down Recorder on 18.11.2020 (expiry 02.12.2020).

A total of 21 letters of objection were received in relation to the proposal. The main issues can be summarised as below.

- Traffic generation
- Congestion – school and new housing development
- road safety – proximity to the school and walking pedestrians – 4 accesses in close proximity
- infrastructure unable to cope
- flood issues
- sewerage and NI Water issues
- operating times of the PFS – impact on families
- noise and lighting disturbance
- details regarding the noise impact assessment
- visual impact
- impact on Ballymote Centre – contrary to SPSS retail impact and sequential tests and no need for it has been demonstrated
- environmental issues and removal of Trees and hedge
- Hazardous materials being contained within a small site
- antisocial behaviour
- 24hr petrol station only 5mins away

This is just a summary of the main points of the objection letters which have been read in full and are available to read on the planning portal.

Consideration and Assessment:

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

- Principle of development
- Retail Impact
- Access, Road Safety, parking and Circulation
- Visual Impact - Design and Appearance
- Residential Amenity
- Other matters

The application was accompanied by, P1 form, site location plan, site layout, floorplans and elevations and the following documents

- Planning Statement;
- Retail Statement;
- Transport Assessment Form;
- Servicing Management Plan;
- Preliminary and Generic Quantitative Risk Assessments;
- Drainage Layout;
- Odour Assessment;
- Acoustic Assessment; and
- Ecology Report.

The application was initially submitted for a development which comprised a larger retail unit, separate retail unit and separate hot food unit. Following objection from MBA Planning who were acting on behalf of the units which make up the Ballymote Centre Downpatrick challenging the retail impact on this proposal, the scheme was subsequently reduced and is subject to this assessment. The proposal also involves the closing of the Edward Street shop and this could be controlled by condition and a planning agreement.

Proposal

The proposal is for the development of a new petrol filling station with additional separate hot food unit. The development will include a new sales building with entrance lobby and with food prep area, ATM, back of house (including chillers and freezers, covered external yard and external yard. The proposal also includes canopy, lighting, fuel pumps, jet wash, car parking and vehicle access and egress.

The building measures some 17.5m by 54.8m in footprint. The proposed building would be located to the east of the site close to the eastern boundary, with its front elevation facing westwards towards John Street. This retail element building would measure some 17.5m by 36m in area, and with its flat roof would stand some 5.4m in height. The hot food unit has a pitched roof measuring 9.5m in height. The retail unit would have a total gross floorspace of 857gsm with 519 sqm net sales space. The hot food unit would have a gross floorspace of 84 sqm. The walls of the retail unit will be double glazed grey ppc aluminium curtain walling with light grey finish to external walls and timber effect cladding. There are glazed elements in both the retail unit and hot food bar unit. The pitched roof will have dark grey / black roof tiles / slates. An ATM machine would also be installed to the front of the building along the side of the hot food bar unit.

The forecourt will be a three pump island facility i.e. six fill points located under the canopy, with six waiting spaces. The proposed canopy would measure some 24m in length and some 11m wide; and it would stand some 6.2m in height. The external yard and covered yard are located along the eastern boundary. This rear boundary is defined both a 1.8m high timber fence above a retaining wall. The boundary will extend around the corner with Ardglass road comprising a wall and railing remaining a min 1.8m high above lower ground level at the bottom of the bank. A proposed rendered wall and railings defines the southern boundary which is separated to the roadside by new hedgerow which will replace the hedgerow that is being removed. Beyond this is a new footpath and right hand turning lane. A jet wash is being sited along the western boundary. The proposed jet wash would stand some 4.4m in height.

In terms of parking provision, the proposal would provide a total of 53 car parking spaces (+6 at pumps) (one of which will provide air/water/vacuum facilities) It will also include including 4 enhanced accessibility spaces and future provision allowed for 6 e-car charging points to the north of the forecourt. The development would see an access entrance only from Ardglass Road and exit only onto John Street with a pedestrian access onto St Dillons Avenue.



Principle of Development

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).

The site lies within the settlement limit for Downpatrick. The application site is not subject to any specific designation or zoning and is considered 'whiteland'. The ADAP does not include any policies that the proposal can be tested against in retail impact terms. The ADAP designates the town centre of Downpatrick as Proposal DK 23.

SPPS

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

In principle the site is a brownfield site formerly a primary school. It is considered that the principle of this development in this location to be acceptable; and from this, the key issues to consider are retail impact, visual impact, residential amenity, road safety, and ecological issues.

Retail Impact

Paragraphs 6.267-6.292 of the SPPS set out policy in relation to 'Town Centres and Retailing', incorporating a town centres first approach for retail and other main town centre uses. The SPPS states that where retail uses are proposed outside of main town centres, a sequential test should be applied to establish whether or not sequentially preferable sites exist within the catchment area of the proposal. Para 6.281 states '*Applications for main town centre uses are to be considered in the following order of preference (and consider all of the proposal's catchment):*

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good*

public transport modes.'

A Retail Impact Assessment was prepared and submitted by Braniff Associates (BA) on behalf of the applicant. Within the report an analysis of the Population in the catchment, expenditure in the catchment, turnover of proposal, turnover of existing stores, trade draw of proposal from within catchment, market share of proposal. It is noted that an objection from MBA Planning on behalf of traders in the Ballymote Local Centre was also received whose main argument was that the proposal will have a significant adverse impact on the Ballymote Local Centre. Planning therefore engaged the services of Inaltus to carry out a detailed appraisal of the Retail Impact Assessment submitted for a proposed petrol filling station (PFS) development which at the time included the main retail unit plus 2 additional units. The appraisal was used to support the Council's consideration of the planning application in line with prevailing retail planning policy.

Closure of Spar

For closure of Spar to be given weight the applicant and owner of the Spar building would have to sign a Section 76 planning agreement securing its closure or secure the discontinuance of its use under Section 73 and deal with any compensation matters arising under Section 182 of the Planning Act (NI) 20211 (the Act). As this was not in place at the time of the appraisal the floorspace from the Edward Street store was assessed as being entirely additional.

The conclusions from the appraisal were that the predicted impact on the town centre is within an acceptable range. Indeed, if all the turnover of the proposal was diverted from the town centre the proposal would not cause significant harm. The key consideration in the appraisal is the impacts on Ballymote Local Centre which was considered a finely balanced matter. The conclusions were that the applicant had not done enough to demonstrate that the proposal is acceptable, whereby no compelling need case was presented.

The report also concluded that by applying more realistic retail assumptions results in the potential impacts of the proposal being higher than often accepted. The case presented by the applicant that this is a one for one application was not sufficiently compelling to give weight to. If more compelling evidence was presented this could diffuse the potential impacts bringing them into an acceptable range. It might also provide improved qualitative arguments for the proposal.

In relation to the objectors' concerns, businesses in Ballymote are concerned about the proposal and have presented a case that the proposal will have a significant adverse impact on it. The appraisal concludes that Ballymote currently trades strongly despite the presence of a local Spar close to the application site. This demonstrates that Ballymote has a regular, loyal and local customer base that will exist even if the proposal is developed. The fact that Ballymote now has an unmanned PFS would support and would consolidate Ballymote by giving local Ballymote customers no reason to leave to use the proposal site.

On the conclusions of the independent retail appraisal the application was amended whereby the applicant was asked for compelling evidence that the proposal is needed and a true one for one application and seek to engage Section 73 / Section 182 or Section 76 of the Act to confirm that the Edward Street Spar store will cease trading.

The proposal was amended to omit retail Unit 2 from the application and the applicant entered into a legal agreement to close Spar store at Edward Street, this is now at advanced stage. The applicant provided an updated turnover of their store. This continues to apply a sales density of £7378/sq m. The turnover reduces because of the two changes outlined above. Turnover of proposal (using as per the latest Experian Retail Planner Briefing Note 19), Sales Densities and Turnover of Existing Shops, Trade Draw, Lowest Potential Impact, Medium Potential Impact and need have all been considered as part of the amended retail package and statement from Braniff Associates (BA).

In terms of Need, the updated Retail impact statement from BA have confirmed the proposal will be needed for qualitative reasons once the current Spar shop closes, other than this there has been minimal elaboration on the need cases.

It is therefore concluded that the applicant has secured two important concessions which have the propensity to reduce retail impact. The opportunity for the applicant to elaborate on the need case has not been forthcoming. The Council therefore has make a planning judgement call based on the evidence. The objectors' genuine concerns are acknowledged and whilst the case remains an application in the balance, and having sought an independent retail appraisal, it is Planning's view that whilst impacts will undoubtedly occur, those impacts will not cause significant adverse harm to Ballymote Local Centre given the location of this centre in the heart of a regular, loyal and local customer base and the associated businesses around it with its own unmanned PFS, which make this centre well placed to withstand the opening of this proposal.

Visual Impact - Design and Appearance

Policy DES 2 of The Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The finish of the new building will include a light grey / off white / light stone finish, double glazed grey PPC aluminium curtain walling, timber effect detailing and stone cladding and grey / black tiles / slates as detailed above. Consideration has also been given in relation to designs of modern petrol filling stations. The jetwash unit is appropriately scaled, and it is not unusual to find such a facility on the forecourt of a petrol station; and the new plant equipment, paraphernalia and hardstanding would cause no visual harm given its overall use. Its current state and previous use as a primary school have been taken into account. On this basis the proposed boundary treatments including fencing walls, railings and hedging with the additional hedging and soft landscaping shown along the southern boundary would provide some screening and softening of the development. In this case the materials and finishes, layout, design and appearance of the proposed petrol filling station including retail unit, proposed hot food unit and associated canopy are all considered acceptable.

Residential Amenity

The impact on the local residents also has to be taken into account. Many of the concerns relate noise and nuisance, disturbance and anti-social behaviour.

On this basis Environmental Health have been consulted with regard to the proposal. A noise impact Assessment report, a photometric report and an odour report were all submitted as part of the proposal. Objection was raised regarding the impact of noise and disturbance likely to be caused by deliveries, the jetwash, access road and pedestrian access, plant equipment/air conditioning etc and general noise and disturbance. The submitted noise report which has been considered along with objections has been accepted by Environmental Health demonstrating that these elements of the proposal would not cause adverse harm to the living conditions of local residents. Suitable conditions will be imposed to safeguard the amenity of local residents. Environmental Health is also satisfied that the submitted details regarding the floodlighting and its operation would not cause unacceptable harm to the amenity of local residents. The location of the delivery area is deemed to be further away from the properties at St Dillons Ave in order to reduce the impact. The jet car wash may also have an adverse impact on the amenity of the residential properties, therefore in order to mitigate this, Environmental Health require conditions be attached to any planning permission granted, relating to hours of operation and conditions regarding the roll cages, jetwash, air/water/vacuum and acoustic fence. EH have also included a condition relating to the remedial scheme (which overlaps with conditions imposed by NIEA).

On balance and given the conditions imposed by environmental health It is considered this proposal will not result in any significant or unacceptable residential impact on any adjoining properties, or character of the area, due to its design, size and location. In addition, it is deemed that that the proposed building, canopy and other structures within the site would not have an adverse impact on neighbouring properties in terms of loss of privacy, light and outlook.

Access, Road Safety, Parking and Circulation

The proposal would provide a total of 53 car parking spaces (+6 at pumps) (one of which will provide air/water/vacuum facilities). It will also include including 4 enhanced accessibility spaces and future provision allowed for 6 e-car charging points to the north of the forecourt. The development would see an access entrance only from Ardglass Road and exit only onto John Street with a pedestrian access onto St Dillons Avenue.

PPS 3 -Policy AMP 9 Design of Car Parking

This policy states that a high standard of design, layout and landscaping is expected to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (A) It respects the character of the local landscape
- (B) It will not adversely affect visual amenity; and
- (C) Provision has been made for security and the direct and safe access and movement of pedestrians and cyclists within the site.

Based on DoE Parking standards

The main retail unit on 1 space per 14m² = 47 spaces, Retail unit 1 hot food is based on 1 space per 3m² NFA and 1 space per 3 employees = 7 spaces. Total car parking requirement = 54 spaces, 53 car parking spaces (+6 at pumps) have been provided.

Operationally the car park has been assessed by DfI Roads and the design and layout is found to be acceptable. The parking provision provided within the site is considered to be acceptable for a development of this nature at this location within the settlement limits and 250m from the town centre.

Previously when the site operated as a primary school there was an access from both St Dillons Ave and John Street with a pedestrian access onto Ardglass Road. DfI Roads have been consulted regarding the proposal in terms of the new access and egress points and the visibility splays (for both vehicles and pedestrians) and letters of objection. Account has been taken of the proximity to St Mary's High School and to housing at both St Dillons Ave with additional the new housing located at the old Down Hospital site. DfI have reviewed the technical aspect of how the new junctions will operate, in addition, auto tracking analysis have been submitted and DfI Roads raises no road safety objection in terms of both delivery vehicles and customer vehicles coming and going from the site. A controlled 'pedestrian crossing' is to be provided across the Ardglass road, close to St Marys High School. DfI Roads have offered no objections to the proposal subject to private streets determination drawings and conditions.

Archaeology and the Built Heritage

The application is in close proximity to HB18 19 017A & B Former Hospital Buildings (Grade B2) at 9a Pound Lane, Downpatrick, which are of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advises that, the proposal satisfies the requirements of paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED therefore offer no objections to the proposal.

Flood Risk

DfI Rivers were consulted regarding the proposal. Following submission of a flood risk assessment and some further submitted drainage calculations and from a flood risk and drainage perspective DfI Rivers while not being responsible for the Drainage Assessment and associated information, accepts the applicant's logic and has no reason to disagree with its conclusions.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (Refer to section 5.1 of PPS 15).

On this basis DfI Rivers offer no objection to the proposal.

Natural Heritage –Ecology

Council consultation was carried out with NIEA - Natural Environment Division and informally with Shared Environmental Services (SES).

The proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). SES were consulted informally, further consideration with SES was not required, as there is no conceivable impact from the development on any European site has been identified. This concurs with the Ecological Appraisal and NIEA NED did not identify any impacts on European sites arising from the proposal.

NED taking into account the submitted Ecological Appraisal Letter and Open Mosaic Habitats and Bat Roost Suitability Report and the revised 'Proposed Site Plan' which shows compensatory planting proposed for the loss of hedgerow along the Ardglass Road. NED are content that a range of native species are proposed. From the reports submitted, NED are content that an assessment of the sites suitability as OMH was completed, and the ecologist found that the habitats present do not constitute this priority habitat, given that it does not meet all five criteria as established in the standard survey manual.

NED also acknowledge that a bat roost suitability assessment was also completed. Of the eleven trees/groups of trees assessed, the ecologist found all trees to have either *negligible* or *low* bat roosting potential with no further surveys required.

Thus NED are content with the proposal subject to a condition.

Economic Consideration

Paragraph 3.3 of the SPPS states that in making planning decisions there is a need to ensure economic considerations are accorded appropriate weight. Paragraph 4.18 continues that a modern, efficient and effective planning system is essential to supporting the Executive and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region. Planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities.

The agent in his planning statement has indicated that the development represents a significant investment, of some £2.8M approx. and will support some 50 jobs in a range of full and part time positions. He states that the proposed development will support a range of local suppliers to the site, supporting a range of construction jobs throughout the construction period. In addition, he states the proposed development is expected to provide a rates income in the region of some £46,000 per annum to the local authority to support the delivery of public services.

Downpatrick does require future investment and job creation, and economic development is supported in all aspects of planning. However, a balancing exercise must be carried out in relation to the competing issues. It is recognised that the proposal would bring benefits to the area, but this must be weighted appropriately against the extent of the development and its effect on this area.

Other Matters

As part of the application process DAERA – Regulation Unit were consulted. A Contaminated Land Risk Assessment report has been provided by WYG Environment and Planning (NI) Ltd in support of this planning application. The Risk Assessment is informed by site investigations

and environmental monitoring data. No unacceptable risks have been identified for environmental receptors. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Water Management Unit have noted that if Northern Ireland Water Limited (NIW) indicate that the WWTW and associated sewer network is able to accept the loading generated by the proposal, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit have no objection to this aspect of the proposal. NI water have indicated that there is available capacity at the Waster Water Treatment works.

Signage

It is noted that signage is proposed, however, these matters do not form part of the consideration of this application as they are subject to the planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Should the application be approved this can be dealt with by an informative.

Conclusion

Taking into account all material considerations including all the objections from the local neighbours, the High School and the businesses at Ballymote Centre, the previous history on the site as a primary school, the ADAP 2015, economic and no objections from any consultees, the proposal would represent an appropriate form of development that would not be visually harmful to the character and appearance of the surrounding area. It would not cause unacceptable harm to residential amenity or road safety. Given the scale and nature of the proposal it would not have an adverse impact on the overall economic vitality and viability of Downpatrick town centre or any local centre and would be of an appropriate scale for its urban location. Thus, the proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation: Approval

As per the Scheme of Delegation, as the applications has attracted six or more material planning objections from different addresses and the recommendation is for approval then the application will be presented to the Planning Committee.

The Drawings upon which this approval is based are as follows:

Proposed Site plan – 2612-P-101 REV K

Proposed block plan 2612-P-103 REV B

Proposed plans & elevations – 2612-P-200 REV D

Site sections and boundary elevations – 2612-P-300 REV D

Jet Wash, Boundary details, visibility splays and fuel canopy – 2612-P-102 REV C

Site location Plan – 2612-01REV F

Private Streets Drawing - 19-176-C10

WYG Contaminated Land Risk Assessment (8 October 2020)

Conditions:

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

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 2612-01REV F, 2612-P-101 REV, 2612-P-103 REV B, 2612-P-200 REV D, 2612-P-300 REV D, 2612-P-102 REV C, 19-176-C10, WYG Report.

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

3. 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. 19-176-C10.

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.

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

No other development hereby permitted shall be [commenced/occupied] until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number **19-176-C10** bearing the date stamp 10/06/2022 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

5. The vehicular access / egress, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. **19-176-C10**, 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.

6. No other development hereby permitted shall become operational until provision has

been made and permanently retained within the curtilage of the site for the parking of private cars as indicated on drawing no **19-176-C10**.

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

7. No other development hereby permitted shall become operational until the footway indicated on drawing no **19-176-C10** bearing the date stamp 10/06/2022, has been constructed to final wearing course.

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

8. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

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

9. The gross floor space hereby permitted shall not exceed 857 square metres when measured internally.

Reason: To control the nature range and scale of commercial activity carried out at this location.

10. The net retail floor space hereby permitted shall not exceed 519 square metres when measured internally. This approved net retail floor space shall be used only for the retail sale and ancillary storage of the items listed here under and for no other purposes, in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

- a) Food and drink;
- b) Tobacco, newspapers, magazines and confectionary;
- c) stationary and paper goods;
- d) Toilet requisites and cosmetics, household cleaning materials; and
- e) other retail goods as may be determined in writing by the Council as generally falling within the category of (convenience goods).

Reason: To control the nature, range and scale of commercial activity to be carried out at this location and to ensure compliance with the SPPS's objectives and policies for retailing and town centres.

11. No internal operations including installation/extension of mezzanine floors shall be carried out to increase floor space available for retail use without prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

12. The retail unit hereby approved shall not be sub divided or otherwise modified to

create additional units without the prior written approval of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

13. The petrol filling station hereby approved shall not be used for the sale, display or repair of vehicles.

Reason: To protect the character and appearance of the area and in order to ensure the amenities of the nearby residents are not affected.

14. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any other purpose at any time other than for the parking and movement of vehicles.

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

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

16. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

17. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>.

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

18. The development hereby approved shall not be operational outside the following times:- 06.00 – 23.00 hours.

Reason: To safeguard the living conditions of residents in nearby properties.

19. No deliveries, collection of goods or services including refuse and fuel shall be taken at the premises between the hours of 21:00 and 07:00 daily.

Reason: To safeguard the living conditions of residents in nearby properties.

20. No moving of roll cages in the delivery area before 07:00 and not after 21:00 hours daily.

Reason: To safeguard the living conditions of residents in nearby properties.

21. The jet car wash and air/water/vacuum units shall not be used between the hours of 23:00 and 07:00 daily.

Reason: To safeguard the living conditions of residents in nearby properties.

22. Floodlighting on the site shall be in accordance with Institution of Lighting Professionals Guidance Notes on the Reduction of Obtrusive Light.

Reason: In order to prevent unnecessary light intrusion to nearby residential property.

23. The acoustic fence should be close lapped leaving no gaps and shall be retained as such.

Reason: To safeguard the living conditions of residents in nearby properties.

24. The three downy birch trees, assessed as having *low* roosting potential, must be subject to soft-felling techniques, under the supervision of an Ecological Clerk of Works (ECoW).

Reason: To protect bats and potential roosts.

25. Condition in relation to the Article 76 agreement is to be finalised by Planning prior to decision notice issuing.

Informatives

1. The purpose of the Conditions 15 to 17 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. Land, Soil & Air

2. RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

3. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised 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/topics/waste/waste-management-licensing-exemptions>

4. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

5. Separate approval must be received from DfI Roads Service in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

6. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, (Marlborough House Graigavon) The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

8. Road drainage to be agreed with Private Streets Engineer prior to commencement.

9. Pedestrian Crossing points to be agreed with Private Streets Section.

10. Water Management Unit would advise the applicant to contact the Water Regulation Team dustrialconsents@daera-ni.gov.uk at their earliest convenience to discuss the matter of Discharge Consent.

The applicant should be aware that if there is the intention to direct vehicle wash water through a petrol interceptor, the detergents from this wash water would render the petrol interceptor useless. The applicant should consult Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems, for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below:

http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.asp

x The applicant must also refer and adhere to the relevant precepts in DAERA Standing Advice on Vehicle Washing.

Care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development. The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance, paying particular attention to where further information can be found regarding oil storage, incident response (dealing with spills), safe storage - drums and intermediate bulk containers, and the use of oil separators in surface water systems (including the restrictions due to use of detergents).

The applicant will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. The applicant should also consult Pollution Prevention Guideline (PPG) 27 'Installation, Decommissioning and Removal of Underground Storage Tanks' which can be found at:

http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.asp

x

See WMU consultation for full list of informatives.

11. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
12. The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by Planning Office (in consultation with the Environmental Health of Newry, Mourne and Down District Council).
13. BATS (all species)

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

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal;
- or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately

and further advice sought from the Wildlife Team, Northern Ireland Environment Agency,

Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 0289056 9558 or 028 9056 9557.

14. ALL BIRDS

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

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

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

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

15. Archaeology & Built Heritage

- Planning Act (Northern Ireland) 2011
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.

- Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development.
 - BS 7913:2013 Guide to the conservation of historic buildings
 - Consultation Guide - *A guide to consulting HED on development management applications* - <https://www.communities-ni.gov.uk/publications/guide-consulting-hed-developmentmanagement-applications-and-guidance-listed-building-consent>
 - ICOMOS XI'AN Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas.
 - HED Setting Guidance, Feb 2018 <https://www.communitiesni.gov.uk/sites/default/files/publications/communities/guidance-on-setting-and-the-historicenvironment.pdf>
 - Please also see HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planningservices-and-standards-framework.pdf>
16. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.
17. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
18. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer**C Moane****Date 05/10/2022****Appointed Officer A McKay****Date 5th October 2022**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1895/F

Date Received: 14.12.2020

Proposal: Demolish Existing House and Office and Erect 4 No Houses. (Amended description and proposal)

Location: 135 Newcastle Road, Kilkeel, Co Down

1. Site Characteristics & Area Characteristics:

1.1. The application site is accessed directly from Newcastle Street. The south west portion of the site fronting onto Newcastle Street, facilitates a hard surface car park associated with the existing offices. The north east portion of the site fronting onto Newcastle Street, is occupied by a single storey flat roof office attached to a two-storey dwelling, of traditional design with broad chimney breasts in each gable. To the north and rear of the site, abutting No 7 and No.9 Sheemore Crescent, is an area of over grown grass. The sites south east boundary is defined by a low block and render wall abutting the car parking area with the remaining 19m defined by mature coniferous trees. The northern boundary is defined by mature coniferous trees and hedges. The eastern boundary is defined by a mature hedgerow.

1.2. The application site is located within the settlement limits of Kilkeel as defined by KL 01 under the Banbridge, Newry and Mourne Area Plan 2015. Newcastle Street is a protected route. The character of the area is predominately residential with large 1 and 1 and ½ storey detached dwelling with generous plots fronting onto Newcastle Street.

2. Site History:

- LA07/2020/0043/PAD: 4 2 storey detached properties. PAD Concluded.
 P/2003/2128/A41: Proposed alterations to existing dwelling. Development Permitted 03.10.2003
 P/2003/1883/F: Retention of Offices. Granted 10.03.2004.
 P/1985/0988: Fascia and Projecting Signs. Granted 07.11.1985.

3. Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN 8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

4. Consultations:

DFI Roads:	Content subject to conditions
NI Water:	Content Subject to conditions
Environmental health:	Content subject to conditions

5. Objections & Representations

14 neighbouring properties were notified on 30.11.2021 and 06.01.2021. the application was advertised in local newspapers on the 12.01.2021, 13.01.2021 and 15.12.2021. 4 Representations have been received to date (09/09/2022). The representations raised objections to the proposal with concerns regarding the density, design and impacts on residential amenity. These are material considerations and were carefully considered below.

6. Consideration and Assessment:

- 6.1. The original proposal presented 5 two storey dwellings consisting of two semi-detached and one detached. The planning department outlined concerns with the proposal in that the existing dwellings in the area presented almost exclusively as detached within individual plots fronting the road. Concerns

were also noted the existing dwellings adjacent, No.1 and No.3 Sheemore Crescent, presented as 1 and 1/2 storey and the density was significantly higher than those plots in the area along the Newcastle road.

6.2. An amended scheme was received which presented 4 detached dwellings, each dwelling is the same house type, HTB, however this was not considered to address the concerns of the Planning Dept, whereby the agent was made aware. No further reductions were made.

6.3. The proposed house type is a two-storey dwelling with a two-storey projection on the front elevation. The east side elevation presents an external chimney breast, 4 windows, two on ground floor servicing a sitting room and two on the first-floor servicing bedroom 1. The rear elevation presents four windows on the rear elevation, a patio and a standard window serving the kitchen/dining and two windows on the first floor serving bedrooms 3 and 4. The west side elevation also has four windows two on the ground floor serving the W.C and the utility room, a tall circle top window on the stairwell and the fourth serving the first floor W.C.



Regional Development Strategy 2035

6.4. RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable

damage to the local character and environmental quality or residential amenity of these areas. While the site is located inside the development limit and there may be no objection in principle to some increased density, it is considered the current proposals are not acceptable.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

6.5. As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7, PPS 7 addendum, PPS 6, PPS 12 and relevant guidance. This policy will be given substantial weight in determining the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 2 Natural Heritage

6.6. Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development is unlikely to have an adverse impact on the AONB.

PPS 3 Access, Movement and Parking

6.7. DfI Roads consulted and are content with the proposal, subject to conditions. The proposal also includes adequate parking, as two in-curtilage parking spaces and space to turn vehicles. On balance, the proposal is considered to satisfy the policy requirements of PPS 3.

PPS 7 Quality Residential Environments

6.8. Policy QD1 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 Council does not consider the proposal to present a quality design and considers the proposal to constitute over-development of the site. Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria:

(a) *The proposed layout is acceptable in terms of its siting, scale, massing and design*

6.9. Concern was initially raised with the principle of the two storey dwellings, however the existence of the two-storey building and No. 139 Newcastle Road were acknowledged, and accordingly, the Planning Department do not consider it can sustain a standalone reason for refusal on this issue. The siting of the dwellings breaks the building line while driving northeast towards Newcastle. Site No.1 sits approximately 4.5m forward of 1 Sheemore Crescent and when combined with the two-storey massing of HTB the abrupt break in the building line is considered incongruous with the character of the area. while the existing circumstances are noted, it is considered the layout proposed is

unacceptable for this reason and does not create a quality development. The proposal is contrary to criterion (a).



Also, the general layout and density are considered to be out of keeping with the character of this area. This is readily apparent from the site layout plan attached above. The character of development fronting this stretch of road is that of detached dwellings on reasonably sized plots, with some higher density development to the rear. The density, together with the form, layout and pattern of development as indicated is clearly at odds with and is out of keeping with the established character, appearing crammed in, thereby constituting over-development, and is considered contrary to policy QD1 on this basis.

(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;

6.10. The proposed site does not exhibit archaeological or built heritage features of merit and the existing dwelling with a large concrete yard does not present any landscape features than should be protected or integrated into the proposal. The proposal satisfies criterion (b).

(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;

6.11. The size of the proposal and the number of proposed units does not require the provision of public open space. The provision of private space is considered to be inadequate. Creating Places indicates that there should be a variety in garden sizes with an average of 70sq.m of private amenity per house or greater. For any individual house, an area less than around 40sq.m will generally be unacceptable. Each dwelling exceeds the minimal private amenity provision identified in Creating Places. The average rear amenity space is 178sq.m with all of the dwellings presenting in excess of the acceptable rear amenity space of 40sq.m. The average rear separation distance is 11.3m with each dwelling achieving in excess of the minimum of 10m. The existing mature

trees and hedges can be retained via condition. The proposal satisfies criterion (c).

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

6.12. The size and scale of the proposal does not warrant the provision of necessary local neighbourhood facilities. The proposal satisfies criterion (d).

(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;

6.13. The size of the proposal and the number of proposed units does not require the provision of local neighbourhood facilities. The proposal satisfies criterion (e).

(f) Adequate and appropriate provision is made for parking;

6.14. A Space for a total of 12 in-curtilage parking spaces are proposed. Which are considered to be adequate to serve the development. The application proposes a footpath across the frontage to an adoptable standard. It is noted DFI roads offer no objection. The proposal satisfies criterion (f).

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

6.15. The material and finished are typical of those found within the surrounding area. Criterion (g) is met.

(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

6.16. The site is located between a residential development, Sheemore Crescent and 139 Newcastle Road. The gable windows on the south west exhibit four windows two on the ground floor serving the W.C and the utility room, a tall circle top window on the stairwell and the fourth serving the first floor W.C, all of which are not habitable rooms and therefore could be conditioned for obscure glazing to mitigate any adverse impact on privacy. The north east gable will view the obscure glazing of the adjacent dwellings with exception of site 4. The gable windows of Site 4 will partially overlook the western portion of No. 139 Newcastle Roads curtilage. However, this portion of the site appears to serve a commercial use and does not warrant protection. Furthermore, the existing mature hedge along the eastern boundary can be maintained and augmented with semi mature trees. I am

satisfied that there would be no significantly adverse impact in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposal satisfies to criterion (h)

- (i) the development is designed to deter crime and promote personal safety.
- 6.17. The proposal is designed to deter crime and promote personal safety as far as is appropriate for a proposal of this size and scale.

Addendum to PPS 7 Safeguarding the Character of Established Residential Environments

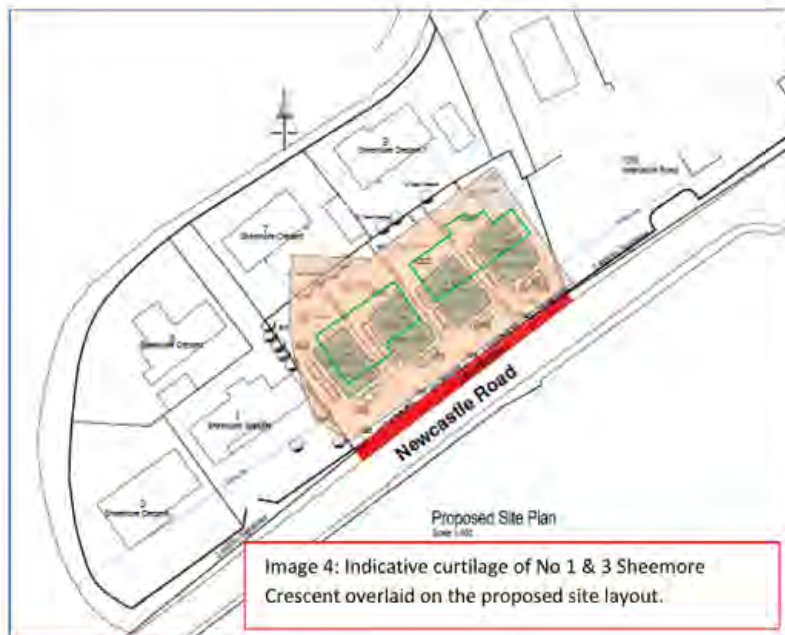
- 6.18. In addition to the nine criteria of Policy QD 1 in PPS 7 new dwellings in urban areas must conform to, Policy LC 1. The policy states in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing where all the criteria set out in PPS 7 QD1 are met including the three additional criteria including Policy LC 1 which states: 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 set out below are met:

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

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

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

- 6.19. The proposed density should not be significantly higher than that already found in the locality. The proposed density of the site is approximately 22 dwellings per hectare whereas the existing plots with dwelling fronting onto Newcastle Road has a density of approximately 9 dwellings per hectare. The Council consider this a significant increase. The proposal replaces 1 dwelling, and another building, with 4 dwellings. The proposed considered contrary to criterion (a) of LC1.



PPS12 Housing in Settlements

6.20. The SPPS also addresses housing in settlements. It repeats the Planning Control Principles listed (PCP) in PPS12. The proposal fails to comply with PCP1 increased housing density without town cramming.

6.21. PCP1 states: 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.

6.22. The proposal is not considered to respect the existing density, together with the form, scale, massing and layout of the new development the proposal will not respect that of adjacent housing.

7. Recommendation: Refusal

7.1. The proposal is considered contrary to SPPS, PPS7, PPS7 (Addendum): PPS 12 as it does not respect the character of the area, breaking the building line and presenting significantly higher density than that of the surrounding area.

8. Refusal Reasons/ Conditions:

1. The proposal is contrary to the SPPS and Policy QD1(a) of PPS7 Quality Residential Environment's in that the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout and appearance.

2. The proposal is contrary to the SPPS and Policy QD1 of PPS7 Quality Residential Environment's in that the development constitutes over-development and will not create a quality residential development.
3. The proposal is contrary to policy LC1(a) of PPS7 (Addendum): Safeguarding the Character of Established Residential Areas in that the proposed density is significantly higher than that found in the established residential area.
4. The proposal is contrary to Planning Control Principle 1 of Planning Policy Statement 12 in that the proposed density, together with layout of the new development would not respect that of adjacent housing.

Case Officer Signature: E McArdle

Date: 16.09.2022

Authorised Officer Signature:

M Keane

Date: 16-09-22

COMMITTEE BRIEFING NOTE

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App Ref:	LA07/2020/1895/F
Proposal:	Demolish Existing House and Office and Erect 4 No Houses. (Amended description and proposal)
Location:	135 Newcastle Road, Kilkeel, Co Down

We fundamentally disagree with the Planning Officer's interpretation of policy insofar as it has been applied to this application. This is explained further below, with each of the refusal reasons being addressed in turn:

REFUSAL 1: The proposal is contrary to the SPPS and Policy QD1(a) of PPS7 Quality Residential Environment's in that the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout and appearance.

In terms of policy QD1 criterion (a), the principal concern noted by Officers at paragraph 6.9 of the Case Officer Report is that the new dwellings are alleged to break the building line when travelling northeast towards Newcastle. In reaching this conclusion the planning department has erroneously drawn the building line in a manner more akin to the defining of vehicular visibility splays and have excluded the building presently on the site that sits immediately adjacent to the edge of the highway. The established building line as defined by the planning department is both harmfully misleading and factually incorrect.

There is no clearly defined building line along the northern side of Newcastle Road in this location. The existing building is constructed 0m (zero) from the rear of the public footpath; to the immediate southwest, No's 1 and 3 Sheemore Crescent are constructed 12.9 and 9.3m respectively from the edge of the footpath; and to the northeast, No. 139 and 141 Newcastle Road are set back by 4.3m and 10.5m and respectively and No.1 Mourne Court is set back by 2.9m. The application buildings are proposed approximately 8m from the edge of the highway, which is within the general range of the other neighbouring buildings. Contrary to the view adopted by officers, the proposal would represent a significant improvement upon the present site conditions by creating a more legible building line along the northern side of Newcastle Rd in this location.

Officers also stated that the general layout and density are considered to be out of keeping with the character of the area. The case officer has however failed to accurately assess the prevailing character of the wider area, which has resulted in an erroneous assessment of the proposal in its context. The site is located along the Newcastle Road protected route, where a higher density of development is both encouraged (by planning policy) and expected. The character of the area is also mixed, comprising O'Hare & Sons Estate Agents, St Columban's Primary School, football pitches, Kilkeel Gardening Centre, Naiscoil na mBeann pre-school, Mourne Stimulus Day Centre, and vacant land. There is also a range of dwelling types and densities present in the immediate vicinity, with higher density residential development present in very close proximity to the north (Sheemore Crescent) and southwest (Blackford Mews).

The scheme proposes 4no. detached dwellings, each set within an ample plot with sufficient private amenity space and separation to existing dwellings to ensure there are no undue amenity impacts. The introduction of 4no. modestly sized detached dwellings in this location would regenerate an existing brownfield site within the settlement limits in a manner that would conform with the mixed use character of the area.

This is a mixed-use location along an arterial route, not an established residential area as defined by APPS7 (see below for more details). We believe this to be a misapplication of policy and also demonstrates that the prevailing character of the area in the immediate vicinity of the application site has not been accurately assessed.

REFUSAL 2: The proposal is contrary to the SPPS and Policy QD1 of PPS7 Quality Residential Environment's in that the development constitutes over-development and will not create a quality residential development.

As discussed above, the proposal represents a quality residential development that would respect the prevailing character of the area. It does not represent over development as all dwellings meet internal space standards,

provide adequate parking & private amenity space, and do not unduly impact upon the residential amenity of neighbouring occupiers.

The scheme represents a visual improvement by regenerating a partially vacant prominent site, which presently detracts from the character of the area. We consider that insufficient weight has been applied to this in the planning departments consideration of this application.

REFUSAL 3: The proposal is contrary to policy LC1(a) of PPS7 (Addendum): Safeguarding the Character of Established Residential Areas in that the proposed density is significantly higher than that found in the established residential area.

We consider that the planning department has erroneously applied APPS7 policy LC1 to this application. Policy LC1 relates to new housing development within 'established residential areas'. Annex E of the PPS7 Addendum provides a definition of 'established residential areas' and states that, in recognition of the desirability of promoting increased density housing in appropriate locations, policy LC1 will not apply "along key and link transport corridors (including designated arterial routes) within cities and large towns" [of over 5,000 population]. According to the 2011 Census Kilkeel has a population exceeding 6,500 and is therefore a large town. The application site is also along the Newcastle Road, which is a protected route and as such is deemed a key transport corridor. As the site is along a key transport corridor within the large town of Kilkeel, policy LC1 does not apply to this application and a refusal on this basis cannot be sustained.

We would further argue that the site is not located within an established residential area as defined within Annex E of the PPS7 Addendum, which states that:

"established residential areas often display a clear spatial structure. Building forms, plot sizes and shapes are sometimes similar with a well defined pattern of local development. Properties may exhibit comparable design styles including common architectural detailing and treatments. Areas of public amenity space together with the private gardens of properties are frequently defined with mature trees, shrubs and hedgerow planting. The overall spatial structure is often delineated by a clear network of streets and roads."

As discussed under refusal reason 1 above, these characteristics are not apparent in this case. Rather, this is a more mixed use location along a busy main road, with a large gardening centre, school, and other uses in the immediate vicinity. This is not an established residential area as envisaged by the PPS7 Addendum.

Without prejudice to this, the density of development is not 'significantly higher' than that found within the locality in any event with higher density semi-detached dwellings present to the immediate south along Sheemore Crescent / Hawood Way and also a little further to the south along the main Newcastle Road at Blackford Mews – see residential density maps at **Appendix 1**.

In summary, whilst we consider that policy LC1 does not apply, the proposed development nonetheless complies with this policy because the density of development is not significantly higher than that found in the immediate locality.

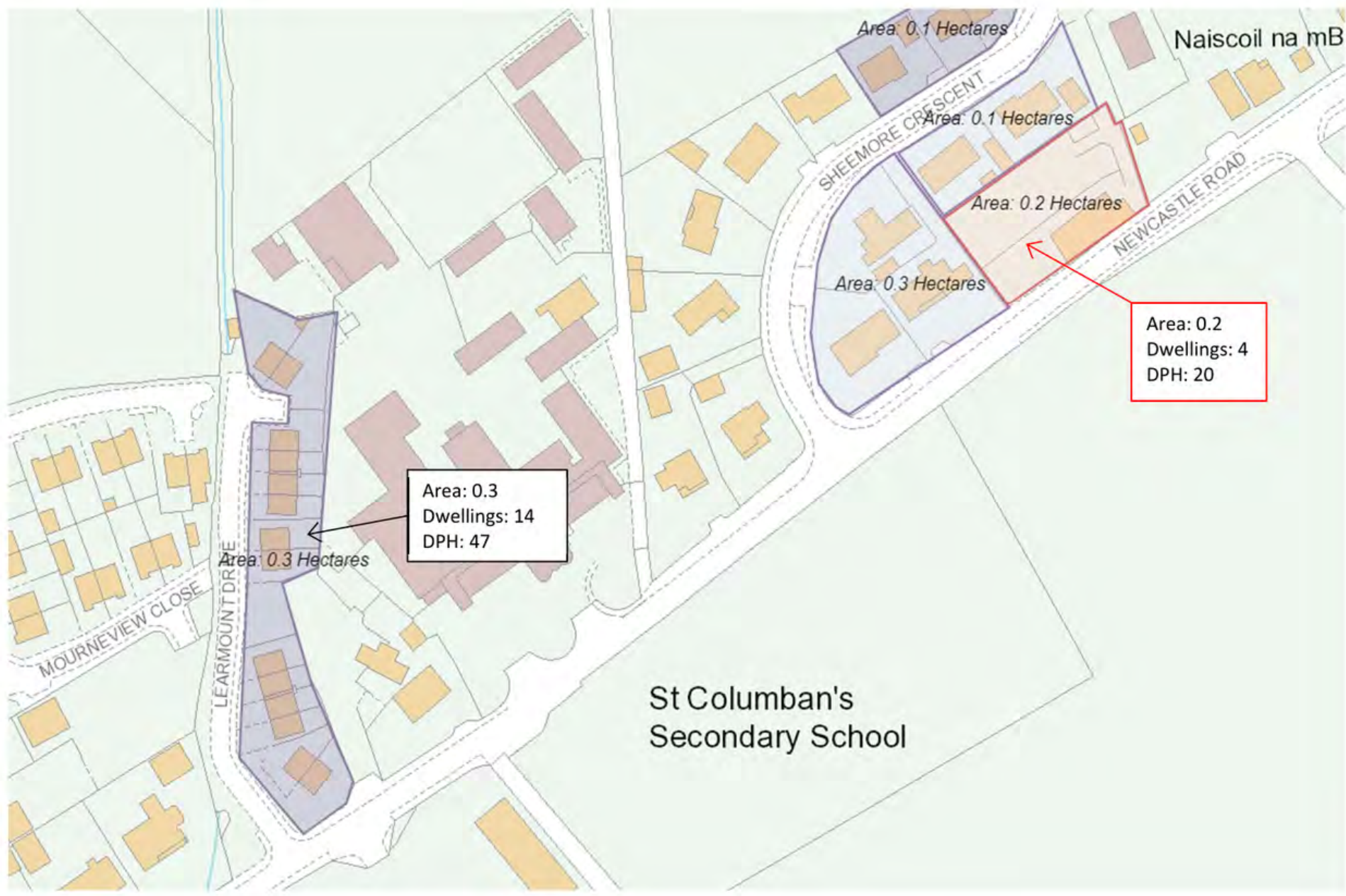
REFUSAL 4: The proposal is contrary to Planning Control Principle 1 of Planning Policy Statement 12 in that the proposed density, together with layout of the new development would not respect that of adjacent housing

Paragraph 6.21 of the Case Officer Report refers to Planning Control Principle 1 (PCP1) and reads "PCP1 states: *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*" (emphasis added).

As discussed above, the site is located along the Newcastle Road arterial route and is not within an established residential area as defined at Annex E of the APPS7. In accordance with the PPS7 Addendum, the application site is located in an area where higher density residential development is to be encouraged. There is also higher density semi-detached residential development within the immediate vicinity of the application site. The scale, form and massing of the scheme has been deemed acceptable by the planning department. For these reasons the proposal does not result in harmful town cramming and a refusal on the basis of a perceived conflict with PCP1 of PPS12 cannot be sustained.

Appendix 1: Residential Density Maps







Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1422/O

Date Received: 09.08.2021

Proposal: Infill site for 2 dwellings.

Location: Between 153 and 159 Derryboy Road, Crossgar.



Site Characteristics & Area Characteristics:

The site in question is located off the Derryboy Road between Crossgar and Derryboy and the site is currently part of a larger agricultural field that is relatively flat in nature and is separated from the road with a mature planted hedge. There is also an existing field gate to the site accessed from the road. The site sits between two other dwellings and both side boundaries are shared with other properties which both have planted hedges and fencing defining them from the adjacent field.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site has been identified as being within an area of surface water fluvial flooding zone. The site is located in the rural area generally characterised by a mix of single dwellings in differing sized plots of land. No other site constraints have been identified on the site in question.

Site History:

LA07/2017/0134/O – land adjacent to 153 Derryboye Road, Crossgar – 1 detached dwelling – withdrawn – 05.06.2017

R/2012/0398/O – Between 159 and 161 Derryboy Road, Crossgar – infill site for dwelling – granted – 06.12.2012

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

Consultations:

Consultation was carried out with NI Water who has responded with no objections in principle to the proposal.

DFI Roads was also consulted and they have no objections subject to conditions.

DFI Rivers was also consulted and have no objections to the application. The proposal does not offend any aspect of PPS 15 Planning and Flood Risk and no additional information is required.

Objections & Representations

In line with statutory requirements the application was advertised in the local press on 25.08.2021 which expired on 08.09.2021. Neighbour notification issued on 17.08.2021 and expired on 31.08.2021 and to date one representation has been received.

The owner/occupier of property no 153 Derryboy Road advised that the red line of the application site impinges on his property and while he has no objections to the works in principle there would be no agreement to any works affecting his property or over his land.

The representation also included a drawing with the area shaded green. The agent was asked to confirm that all the lands identified in red are within the applicants control and they confirmed that all lands are within the ownership and control of the applicant. This concurs with the drawing submitted by the neighbour.

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.

The application is considered against CTY 8 Ribbon Development is considered and CTY 8 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development, an exception however will be permitted for the development of a small gap site sufficient to only accommodate up to a maximum of two houses within an otherwise substantial and built up frontage and provided this respects the size, scale, siting and plot size and meets other planning and environmental requirements.

The site presented as part of this application is a field that sits between two dwellings and curtilages known as 159 and 153 Derryboy Road. The frontage of the site is approx. 103m wide. The following frontages exist adjacent:

No 153 has a frontage of approx. 72m

No 159 has a frontage of approx. 56m

No 161 has a frontage of approx. 85m

The gap between building to building (153-159) is 164m which greatly exceeds the site frontage of approx. 101m. (wooden structures in the side garden of no 159 Derryboye Road are excluded from this measurement)

CTY 8 Ribbon Development states that planning permission would be refused for a building which creates or adds to a ribbon of development. An exception would 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 built up frontage and provided that this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. Policy states that 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 dwellings no 161, 159 and 153 are counted when taking into consideration the 3 or more buildings required to be present.

The average plot frontage is 70m, ranging from lowest plot size at 56m and largest plot size 72m, the frontage presented as part of this application seeking two dwellings is 101m allowing 50.5m for each plot which falls below the plot average and the smallest plot size at No. 159 of 56m, therefore the indicative frontages presented do not respect the existing pattern of development along the frontage and therefore falls foul of this element of policy.

The gap site proposed does provide for a relief and visual break within the developed appearance of the locality and helps maintain rural character.

The agent was made aware of the concerns with the proposal and in response identified a number of similar proposals that had been approved under CTY 8, each have been considered however none are directly comparable and can therefore be discounted as having little material weight in the decision on this application.

Whilst calculations have been used in the consideration of this application for infill development it is acknowledged that consideration is not based on a simple calculation but it was felt in this instance that the calculations do help to demonstrate the flaw in the current proposal for a 2 plot infill.

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

(a) it is a prominent feature in the landscape.

While the ground is uneven the site is relatively flat in nature and sits between two other curtilages to dwellings, there is a good front boundary hedge to the front of the site and the rear boundary is not defined. Given the topography of the land, the existing built environment and the existing vegetation to the front and beyond the rear of the site it is not considered that two dwellings at this location would result in being prominent features in the landscape. The topography of the surrounding land and the site itself would lend itself to the development of the site without resulting in any detrimental visual harm. Suitably designed dwellings at the site could be accommodated.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

(c) it relies primarily on the use of new landscaping for integration.

The proposed site can make use of some existing boundaries, the boundary fronting onto the road is a strong planted hedge and the two side boundaries of the site include planted curtilages to dwellings. The rear boundary of the site is undefined however further to the rear of is the existing boundary of the field and this would help integrate the site to a degree rather than it being extremely open to the rear of the site. New boundaries will be required at the site however it is not considered that the proposal would rely primarily on this new planting in order to integrate into the surrounding landscape.

(d) ancillary works do not integrate with their surroundings.

The site would access directly onto the existing adjacent road without the need for the creation of any substantial lanes. All necessary services are all in close proximity to the site and it is not considered that ancillary works would have any detrimental impacts and would not visually integrate with their surroundings. Septic tanks and soakaways can be provided within the lands in question.

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

As this is an outline application full particulars of the design of the dwellings has not been presented for consideration however it is considered that the site could accommodate two storey dwellings as there are two storey dwellings albeit older 2 story dwellings which tend to be of a smaller ridge height than more modern two storey dwellings but characteristically there are two storey dwellings within the area, that said it is noted that the plot sizes are large and could accommodate the increased footprint of bungalows. While it would not be considered suitable to restrict the height of the dwellings it would be desirable for the proposed dwellings to respect the scale and proportions of the adjacent dwellings.

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

The proposed site is considered to be able to accommodate the dwellings and it is considered that the site can be developed in a way that will not impact negatively on the existing landform. The lands are currently agricultural lands and there are no landscape features to note that would be impacted as a result of the works. Some planting will be required to be removed in order to accommodate the access and sight splays however this can be reinstated as a condition of the outline application. Further agricultural lands and field boundaries to the rear of the site provide a back drop to the development.

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

This application is not for a dwelling in a farm therefore this aspect of policy is not considered.

The application is also considered against 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 an area. CTY 14 states that a new building would be unacceptable where:

(a) it is unduly prominent in the landscape.

As discussed previously within this report it is not considered that dwellings on this site would result in the site being overly or unduly prominent in the surrounding landscape. The site characteristics and topography and the overall layout of the land can accommodate development.

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

See 9(d) below. This proposal would result in a suburban style build-up of development when viewed with existing development along this stretch of the Derryboy Road.

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

Roadside development would be considered to be traditional pattern of development exhibited within the area. Provided a suitable design was presented it is not considered that the pattern of development would be disturbed as a result of the works.

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

The application has already been considered against CTY 8 Ribbon Development and as it is not considered that this site is a small gap site within an otherwise substantial and continuous built up frontage and therefore to develop of the entirety of the site would lead to a creation of ribbon development along this stretch of road and which offends this policy requirement of CTY 14.

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

It is not considered that there would be any detrimental impacts on the rural character of the area should the dwellings be given permission provided that separate access points were provided and the dwellings did not rely on a shared access point. Other services are in available in the area at present and it is not considered that there would be any demonstrable harm in relation to the rural area through the provision of ancillary works.

PPS 15 – Planning and flood Risk

This Planning Policy Statement, PPS 15 'Planning and Flood Risk' sets out the Planning Authority's planning policies to minimise and manage flood risk to people, property and the environment. It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk.

Rivers Agency were consulted as part of the application and have no objections to the proposal. Rivers Agency would reiterate that it is the Developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Recommendation:

The application does not meet the key requirements of CTY 8 Ribbon Development and is therefore recommended for refusal.

Reasons for Refusal:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary the SPPS and to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing pattern of development along the frontage and would, if permitted, result in the creation of ribbon development along Derryboy Road resulting in a detrimental change to the rural character of the countryside.

Case Officer: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 18.07.2022

Registered Application List w/c: 12/9/22	Planning Application Number: LA07/2021/1422/O
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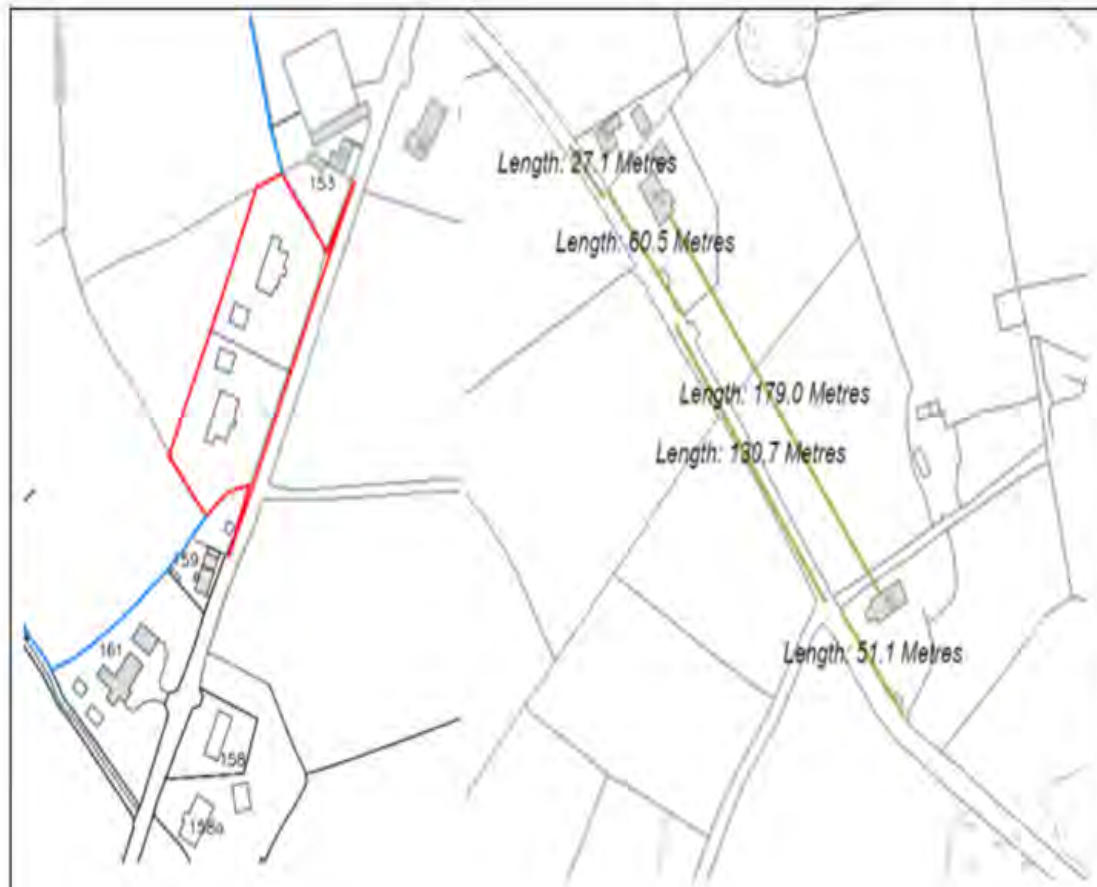
119

Description of the application - Proposal: Infill Site for 2 Dwellings | Between 153 + 159 Derryboy Road Crossgar
Recommendation: Refusal reason - The proposal is contrary to the SPPS and Policy CTY1 and CTY8 and CTY14 of Planning Policy Statement 21,

Planning reasons why this application should be referred to Committee The main reason for refusal relates to CTY 8 of PPS21, if the application complies with that policy, then all reasons for refusal are dealt with. We feel that the proposal does meet all parts of the policy CTY 8. The Planning Dept agree that there is a row of buildings and that they all front to the road. **The contention is that the gap is too wide.** The comparison of the plot frontage is the most important stat when assessing the suitability of the application. We have included a table of statistics for the site frontage. Given that the two proposed plot widths are 52 we believe that it does not represent a significant decrease from the 56m at dwelling number 159. We believe that the plot width is not too wide but respects the pattern of development.

Site	Plot width (m)
No 153	72
Application Site	52
Application Site	52
No 159	56
No 161	85
<u>Avg</u>	63.4

Dividing the distance between the buildings by the average plot width does not produce a meaningful stat, mathematical statistics relating to the distance between the buildings cannot be compared with those from the site frontage, these are two completely separate mathematical comparators. The distance between the buildings is only part of the analysis of the pattern of development, the spacings of the buildings in the row and how the proposal can fill the gap must also be analysed. In our case the 145m current distance between the buildings (including the existing building in the garden of 159) will be obviously reduced when the new dwellings are constructed. The analysis of the distance between the buildings must also include an analysis of the width of the side gardens of the existing of the dwellings. The distance between the buildings is always going to exceed the site frontage. The current side garden arrangement of the 3 existing dwellings in the row will be emulated by the two new dwellings and the row will present as one continuous row. The policy states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. Acceptance of this application as an infill opportunity deals with the refusal reference to 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 an area. CTY14 specifies five situations where a new building will be unacceptable. One of these, criterion (d) is where a building creates or adds to a ribbon of development. This is specifically cross referenced to infill opportunities in Policy CTY8. As this proposal is an exception to Policy CTY8 as outlined above the proposal cannot fall foul of criterion (d) of CTY14.



The measurements in this report are most important to the outcome of the case.

LA07/2017/0270/O is an identical two dwelling infill on the Drumnaconagher Road (see image above and to the right). The distance between buildings on the application at the Drumnaconagher Road is 179m and was acceptable and approved. The current application has only approx. 145m between the buildings yet is being refused. The site frontage at Drumnaconagher Road is also slightly different (65.5m) than the existing average frontage (54m) and was approved, this is exactly the same as the current application.

We respectfully request Committee approve this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/2063/F

Date Received: 24.11.2021

Proposal: The application is for a variation of condition 2 (approved drawings and condition 4 (seek variation of condition to provide amendments to the access) of planning permission LA07/2020/0605/F for the replacement dwelling with landscaping, alterations of access point and other associated site works. We seek to vary condition 2 and 4 to replace drawing number 19-37-10 with new drawing number PD001.

Location: The application site is described as 61 Ballytrim Road, Crossgar.



Site Characteristics & Area Characteristics:

The site in question is located off the Ballytrim Road which is a main traffic route between Crossgar and Killyleagh and is in open countryside. This application relates to the access to a previously approved replacement dwelling where works are yet to commence. At present there is an existing winding lane that accesses the dwelling. The lane has a native planted hedging and trees along the boundary and the fields either side of the entrance are ordinary field boundaries of planting and post and wire fencing. The dwelling the access relates to is set back off the main road and is relatively inconspicuous.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There were no specific constraints identified at this site.

Site History:

LA07/2020/0605/F – 61 Ballytrim Road, Crossgar – replacement dwelling and amended access – granted – 11.05.2021

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

Consultations:

DFI Roads was consulted in relation to the proposal and have raised no objections to the amendment subject to conditions.

Objections & Representations

In line with statutory requirements the application was advertised in the local press on 08.12.2021 which expired on 22.12.2021. Neighbour notification issued on 21.12.2021 which expired on 04.01.2022 and to date there have been no objections to the proposal.

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.

The application is considered against PPS CTY 13 Integration and Design of buildings 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.

This application seeks to provide a much grander entrance, by altering the position of the access slightly and erection of extensive stone walling and gates. The wall proposed is to span approx. 163m along the roadside. The height of the wall is 1.5m and the pillars are to be 2m in height and 4 pillars are proposed, one at each end of the wall and one formed at the entrance gates. This proposed wall would undoubtedly be prominent in the landscape due to the style, length and roadside presentation. The wall and natural timber gates proposed are not considered to be visually acceptable and they are not in keeping with traditional boundaries of dry stone ditches, post and wire fencing and hedgerows found in the immediate and wider area. In place at present is a modest, inconspicuous access lane that makes good use of planting and screening serving one dwelling and is suitably located within the rural setting without causing any visual offence. The replacement dwelling, this proposed access serves, is a substantial dwelling however the introduction of such a grand and formalised entrance will not sit comfortably in the rural landscape. One's attention will immediately be drawn to such an extensive wall with its associated formalised pillars and timber gates. It is considered that the size and scale of the wall and gates would be incongruous in the landscape and is not acceptable.



The above image shows the current boundary treatments around the entrance of the site, a very low natural hedgerow with little intervention to provide an access at present and clearly to add a stone wall along here for such a length will have a negative impact visually.

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

Points B and C above are not entirely relevant to this type of application although it is noted that a planted hedge would be considered more acceptable than the construction of hard structures. The drawings indicate that native species planting will be positioned to the front of the wall, limited detail as to how exactly this planting is to work has been supplied and no planting schedule has been submitted.

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

This application is for ancillary works to the previously approved, extant approval LA07/2020/0605/F for a replacement dwelling. This application for an alteration to the access and the proposed wall and gates is an ancillary element of the previous permission, a scheme that had previously been agreed and contained planting along the front boundary and a rather inconspicuous entrance, respecting the existing informal, planted entrance lane to the dwelling. The wall as an ancillary element will not integrate into the surroundings and would detract from the character and appearance of the surrounding rural area. The site is located on the main Crossgar to Killyleagh Road and is very open to public view, it is a typical rural landscape with long stretches of planted hedgerow and post and wire fencing. One would not be immediately aware of the lane and dwelling at present. The introduction of such a stretch of stone wall and the associated gates and pillars will not sit comfortably within the surrounding landscape.

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

Whilst this application is for a wall and access arrangements and not a building as such, the design of the wall and gates are considered to be overly formalised for the site and locality given the scale and extent of the development. The gates are full timber gates that fully screen the entrance, such gates are not commonly found in rural areas and are more akin to suburban settings. The previously approved scheme was considered to be in keeping with the rural area and this would be considered detrimental to rural character.

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

The works will not blend with the existing landform as the majority of boundaries within the surrounding areas are informal grass and planted hedgerow and post and wire fencing. There will be the backdrop of the existing trees and agricultural lands to the rear to help soften the works but given the position of the works along the road it is difficult to screen the works and at this position soft planting should be utilised to screen development to the rear which the proposed wall does not do.

- 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.**

The aspect of policy is not applicable as the application is not for a dwelling on a farm.

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

(a) it is unduly prominent in the landscape.

As detailed above it is acknowledged that this policy refers to buildings but remains applicable

Previously a replacement dwelling was approved with a sympathetic access arrangement with limited intervention in order to use an existing access and that access arrangement was considered to be to DFI Roads satisfaction. This application seeks to elaborate on the previous approval with a slight alteration to access position and the introduction of a substantial stone wall, pillars and gates. Stone entrances are not uncommon in the rural area however it is the design and scale of the development that will result in the works being prominent in the landscape, it will draw attention to the replacement dwelling rather than allowing the dwelling to sit back inconspicuously off the road.

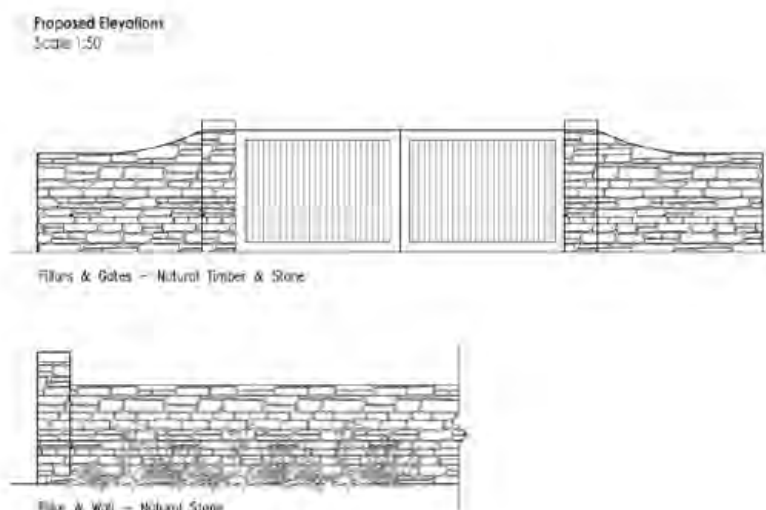
(b) it results in a suburban style build-up of development when viewed with existing and approved buildings.

While the works are not considered to be acceptable within the area and will be prominent in the landscape it is not considered that the works would result in a suburban style build-up of development in the area.

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

The use of a stone wall is itself not an issue as stone entrance walls and pillars would be a feature of the surrounding rural landscape but not the scale and design as proposed. The elevation of the wall is shown below and while hard to show in good detail the elevation demonstrates the length of the wall which certainly is not akin to standard residential access arrangements and is not respectful of rural residential frontages. The lands in part sit lower than the existing road and there are adequate planted hedges running along here that with some augment will continue to offer a suitable boundary treatment that respects the character of the area.





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

As the works relate to access arrangements and walls this aspect of policy is not applicable.

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

These works are ancillary works and it is considered that the ancillary works are not in keeping with the rural character of the area and would detract from the rural character that exists along this stretch of road between the villages of Crossgar and Killyleagh. Natural hedging as exists should be retained as it is in keeping with the rural character. There is no need to remove the existing hedging but for the position of sight splays and to replace with the hard structures instead of existing natural soft features is not appropriate and will damage rural character.

PPS 3 – Access, Movement and Parking

DFI Road have been consulted and have no objections to the amended access arrangements, it is not thought that the works would have any negative impacts in terms of road safety.

The agent was made aware of the concerns and afforded an opportunity to reduce the scheme to within acceptable levels however a submission was made referencing local stone walls which the agent felt was similar to the proposed works, the examples included low walls that form road junctions, stone walls where agricultural buildings face onto the road and also accesses and walls around Rademon Estate and structural stone walls completed by DFI Roads. It is considered that none of the examples are comparable to the proposal and do not set a precedent or change the Authority's opinion.

Recommendation:

Refusal

Reasons for refusal:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed works would be a prominent feature in the landscape and would not integrate with their surroundings and is inappropriate for the site and locality and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the works would, if permitted, be unduly prominent in the landscape and would not respect the traditional pattern of settlement exhibited in the area and would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 19.08.2022

Planning Ref: LA07/2021/2063/F

Address: 61 Ballytrim Road Crossgar

Proposal: Vary condition 2 (approved drawings and condition 4 (seek variation of condition to provide amendments to the access) of planning permission LA07/2020/0605/F for the replacement dwelling with landscaping, alterations of access point and other associated site works. We seek to vary condition 2 and 4 to replace drawing number 19-37-10 with new drawing number PD001

SUPPORTING STATEMENT – CARLIN PLANNING LIMITED

The Council's reasons for refusal relate to Policies CTY 1, CTY 13 stating that the proposed works would be a prominent feature in the landscape, would not integrate into their surroundings and is inappropriate for the site and locality and would not visually integrate into the surrounding landscape and CTY 14 in that the proposals would be unduly prominent in the landscape, would not respect the traditional pattern of settlement exhibited in the area and would damage the rural character, further eroding the rural character of the countryside.

The Committee Report for this application wrongly compares the proposals to the current situation. We would reiterate that the proposals are seeking to vary a condition and therefore could not be implemented without the wider planning approval. The committee report also recognises that stone entrances are not uncommon in the rural area which is contradictory to the refusal reason which states the proposals would not respect the traditional pattern of settlement and would damage the rural character.

Natural stone walls are a prominent feature within the Newry, Mourne and Down area with numerous examples of this close to the site. We would also reiterate that the stone used to construct this stone wall is native to the site, reusing and recycling the stone buildings on the site to be replaced with the new and approved dwelling.

The applicant has provided numerous examples of similar style stone walls and other examples of stone frontages which actively and positively contribute to the rural character of the area. This included:

- 88m of stone wall located at 24 Ballytrim Road some 0.5km east of the site
- 133m stone wall located along the Ballytrim Road and 660m of stone wall extending along the Tullykin Road some 1.2km west of the site
- 5km south-west of the site, the Rademon Estate natural stone walls extend to some 200m in length at both sides of the road

Images and further detail of these examples can be found at Appendix 1 of this statement.

The Council claimed that none of these examples were comparable, however we would reiterate that these examples were;

1. Built of the same material,
2. Are of a comparable height, particularly that seen around the Rademon Estate which is in excess of 1m in height and;
3. comprises a length much longer than that proposed as do many of the other examples we presented.

In conclusion we wish to reinforce the following points to Committee:

- Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside makes numerous references to stone walls, similar to that proposed and highlights them as a preferred option to assist with integration
- Building on Tradition also promote the use of natural stone stating it as a Design Priority (Page 93) to make the best use of architectural salvage and derelict building materials such as natural stone particularly for the reinstatement of boundary walls
- PPS21 also seeks to reinstate natural stone walls where possible through redevelopment proposals
- PPS21 lists materials which are not considered to be of rural character. Natural stone walls, composed of materials native to the site is not considered to be of a design detrimental to the rural character
- Stone walls are a prominent feature in the surrounding landscape, predominantly for use as boundary treatment
- We highlighted that there are numerous examples of stone walls of a comparable length and height are situated within close proximity to the site

An initial response seeking to address the Councils original concerns regarding length, height and separation from the road side was provided highlighting:

- The wall sits a minimum of 1m behind the visibility splays and not the road verge;
- The wall sits at its narrowest point 2 metres from the roadside at each end. The separation between the wall and the roadside increases on approach to the access gate, increasing to 3metres for the vast majority of the wall and up to 8m between the start of the wall (at gate) and the roadside;
- The wall sits at 1.5m high which is less than 30 cm difference between the previously approved fence (which did not have any height restriction imposed); and
- In front of the wall native species planting is proposed integrate the development into the road verge.

APPENDIX 1:

1. Located only 0.5km east of the site, 24 Ballytrim Road has c. 88m of stone wall along the northern side of the road with an additional 30m located on the southern side of the road (Figures 1-2).



Figures 1-2: Stone walls within the vicinity of 24 Ballytrim Road

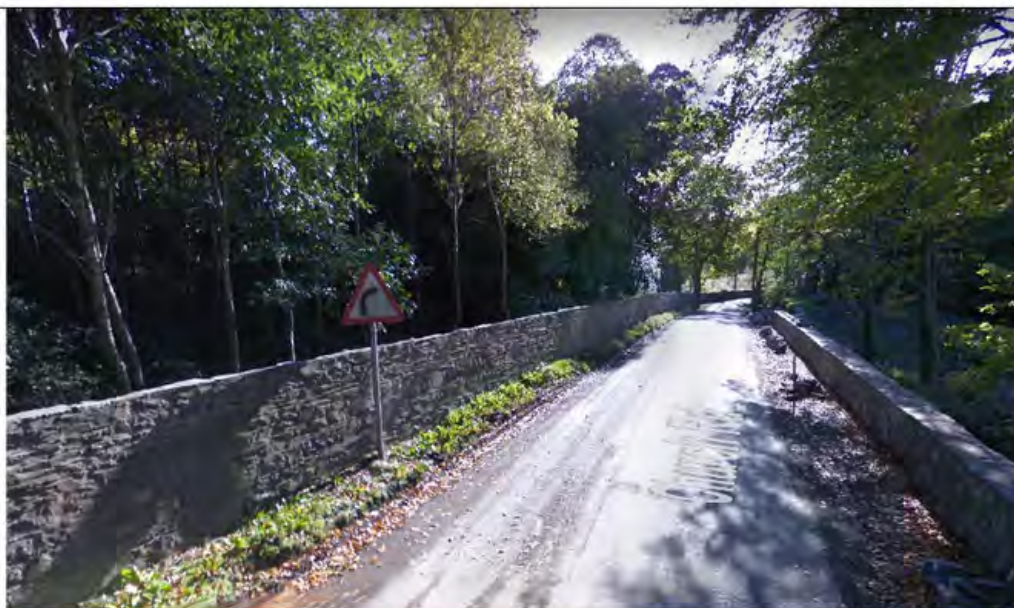
2. Located some 1.2km west of the site, in and around the location of the Ballytrim Road/Tullykin Road junction, some 133m of stone wall is located along the Ballytrim Road and a further 660m of stone wall extends along the Tullykin Road.



Figure 3: Junction of Ballytrim/Tullykin Roads

3. Located some 5km south-west of the site is the Rademon Estate, access off the Church Road which extends north to the Ballynahinch Road (Figures 4-6). As per the figures below, natural stone walls exist well in excess of 200m in length, and often extending along both sides of the road. Similar to the applicants' proposals, the walls extend to the entrance of the Estate which comprise stone pillars with an iron gate in between. Additional stone walls within the vicinity of the Estate have also been approved in the past (i.e. Planning Reference R/2010/0378/F).





Figures 4-6: Church Road leading to Rademon Estate

4. The use of stone does not only contribute to the surrounding character through the many walls that exists but is also a reflection of the historic character of many buildings in the rural countryside, particularly within the area surrounding the site. Within 2km of the site there are examples of stone farm buildings which make an important and positive contribution to the countryside (Figure 7).



Figure 7: Stone farm buildings within 2km of the site

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 abutting 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. Further information received from the agent.	N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can	A McAlarney	Awaiting Consultee response.	N

	area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	be secured for this proposal.			
LA07/2019/1087/O	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Bat Survey submitted and consulted upon.	N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley		N
LA07/2017/0978/F and LA07/2017/0983/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	Agent to submit revisions following meeting.	N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					

LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney		
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	
PLANNING COMMITTEE MEETING 27 JULY 2022					
LA07/2021/0987/F	Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F - Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road	Defer – Dfi to attend Planning Committee Meeting when application is next scheduled	Anthony McKay	On agenda for Special meeting on 08-09-2022 – meeting cancelled and to be reconvened	
LA07/2020/1864/F	Proposed barbers shop / hairdressers - Between no.39 Church Street Rostrevor & no. 2 Water Street Rostrevor	Defer for a site visit	Pat Rooney	Site visit 10-08-2022 – on agenda for meeting on 24-08-2022 – defer to allow for further discussions to take place with the agent, applicant and planners	
PLANNING COMMITTEE MEETING 24 AUGUST 2022					
LA07/2022/0273/F	Change of use application from existing shop (Use Class A1) to proposed Amusement Arcade - 54 Market Street Downpatrick	Removed from the agenda at the request of Planners to consider a late objection received	Anthony McKay		

PLANNING COMMITTEE MEETING 21 SEPTEMBER 2022					
LA07/2021/1663/F	Dwelling on a farm - Site 125m South South West of 26 Curley Road, Newry, BT34 1NU	Defer for a site visit	Pat Rooney	Site visit – 12-10-2022 – on agenda for October meeting	
LA07/2021/2138/O	Proposed new dwelling with detached garage on an infill site - Adjacent to and south of no.14 Edentrumly Road Mayobridge Newry Co Down BT34 2SG	Defer for a site visit	Anthony McKay	Site visit – 12-10-2022 – on agenda for October meeting	
LA07/2022/0044/O	Infill site for 2 dwellings and garages - Between 10 and 14 Kilkeel Road Hilltown	Defer for a site visit	Pat Rooney	Site visit – 12-10-2022 – on agenda for October meeting	
END					

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1. Live Applications

MONTH 2022/23	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2022	142	1,120	235
May 2022	132	1,070	248
June 2022	187	1,074	266
July 2022	129	1,070	265
August 2022	178	1,104	270
September 2022	191	1,130	271

2. Live Applications by length of time in system

Month 2022/23	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2022	660	225	89	37	109	1,120
May 2022	609	213	94	43	111	1,070
June 2022	618	190	115	42	109	1,074
July 2022	609	196	112	43	110	1,070
August 2022	626	208	110	46	114	1,104
September 2022	649	210	106	48	117	1,130

3. Live applications per Case Officer

Month 2022/23	Average number of Applications per Case Officer
April	69
May	66
June	66
July	70
August	72
September	79

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4. Decisions issued per month

Month 2022/23	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	151	139
May	159	152
June	168	162
July	117	110
August	126	126
September	155	148

5. Decisions Issued YTD

Month 2022/23	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	151	Approvals (138)	91%
		Refusals (13)	9%
May	310	Approvals (287)	93%
		Refusals (23)	7%
June	478	Approvals (444)	93%
		Refusals (34)	7%
July	595	Approvals (554)	93%
		Refusals (41)	7%
August	721	Approvals (672)	93%
		Refusals (49)	7%
September	876	Approvals (817)	93%
		Refusals (59)	7%

6. Enforcement Live cases

Month 2022/2023	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	214	154	75	74	78	96	691
May	218	144	79	79	75	97	692
June	209	149	73	75	82	96	684
July	207	151	75	68	78	94	673
August	203	157	80	58	80	99	677
September	194	162	82	59	83	100	680

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7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting	Number of Officer recommendation overturned
6 April 2022	10	7	3	1
11 May 2022	9	7	2	5
1 June 2022	9	6	3	3
29 June 2022	6	3	3	1
27 July 2022	3	0	3	0
24 August 2022	17	13	4	4
21 September 2022	13	10	3	4
Totals	67	46	21	18

8. Appeals

Planning Appeal Commission Decisions issued during period 1 September 2022 to 30 September 2022

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	26	1	0	1	-
Down	37	4	1	3	
TOTAL	63	5	1	4	-

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Statutory targets monthly update - July 2022 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	303.8	0.0%	123	147	20.8	34.0%	30	46	98.9	45.7%
May	1	-	0.0	0.0%	127	142	19.5	31.7%	41	39	61.6	59.0%
June	1	-	0.0	0.0%	137	154	15.4	47.4%	27	33	79.5	45.5%
July	2	2	97.9	0.0%	76	99	17.4	37.4%	22	45	177.7	48.9%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	4	3	128.4	0.0%	463	542	17.6	37.8%	120	163	99.8	49.7%

Source: NI Planning Portal

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

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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 appeal is determined; or a planning appeal is withdrawn. The time taken to conclude an enforcement case is then compared to the 75th percentile of the sequence.

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT LOCATION	Mr James Rogan Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure	Date Appeal Lodged	10/03/2020
Date of Hearing		
Date Statement of Case Due for Hearing		
Date Statement of Case Due - Written Representation		
Date of Site Visit		

ITEM NO	2	PAC Ref:	2020/A0142
Planning Ref:	LA07/2020/1072/	DEA	Downpatrick
APPELLANT LOCATION	Chris Ball 67 St Patricks Avenue 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		
Date of Site Visit		

Current Appeals

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ITEM NO	3		
Planning Ref:	LA07/2020/1485/	PAC Ref:	2020/A0145
APPELLANT	Leo Mcgrenaghan	DEA	Slieve Croob
LOCATION	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	4		
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
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5		
Planning Ref:	LA07/2020/1568/	PAC Ref:	2021/A0009
APPELLANT	Mr & Mrs Pat Hayes	DEA	Slieve Croob
LOCATION	To The Rear And Immediately South West Of 62 Crawfordstown Road		
PROPOSAL	Drumaness 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			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2020/1360/	PAC Ref:	2021/A0022
APPELLANT	Charlie Magennis	DEA	The Mournes
LOCATION	Base And Morelli's 71-73 Central Promenade Newcastle		
PROPOSAL	Proposed erection of temporary retractable awning and lightweight structure		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2020/1077/	PAC Ref:	2021/A0031
APPELLANT	Mr Eammon McAteer	DEA	Crotlieve
LOCATION	12 Cullion Road Mayobridge		
PROPOSAL	RT34 2H11 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			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2021/0096/	PAC Ref:	2021/A0033
APPELLANT	Mr Bailey	DEA	Rowallane
LOCATION	18a Drumgivan Road Drumgivan		
PROPOSAL	Ballinahinch 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			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
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	10		
Planning Ref:	LA07/2020/0079/	PAC Ref:	2021/A0049
APPELLANT	M Farrell	DEA	Newry
LOCATION	Lands Approximately 50m North West Of No. 53 Ayalogue 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			

Current Appeals

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ITEM NO	11	PAC Ref:	2021/A0051
Planning Ref:	LA07/2020/1828/	DEA	Slieve Croob
APPELLANT	Richard Hall		
LOCATION	Adjacent And Immediately North Of 42 Old Belfast Road Dundrum Newcastle		
PROPOSAL	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			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2021/A0075
Planning Ref:	LA07/2021/0450/	DEA	The Mournes
APPELLANT	Paul Smith		
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	28/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	13		
Planning Ref:	LA07/2020/0936/	PAC Ref:	2021/A0092
APPELLANT	Mr James Hughes	DEA	Crotlieve
LOCATION	Mountview Business Park Rathfriland Road		
PROPOSAL	New 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	14		
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			

Current Appeals

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ITEM NO	15		
Planning Ref:	LA07/2021/0473/	PAC Ref:	2021/A0109
APPELLANT	Rhys Dowsall	DEA	The Mournes
LOCATION	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			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2021/1088/	PAC Ref:	2021/A0113
APPELLANT	MPG Wind	DEA	Crotlieve
LOCATION	Lands Approximately 230m To The North West Of 15 Barnmeen Road Rathfriland		
PROPOSAL	Proposed retention of existing turbine tower, replacement of existing turbine nacelle and blades with new nacelle and blades. The replacement nacelle and blades will create a hub height of 40m with a maximum rotor diameter of 31m and tip height of 55.5m (up to 250kW)		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	09/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17		
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 Address)		
PROPOSAL	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			
Date of Site Visit			

ITEM NO	18		
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
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19	PAC Ref:	2021/A0120
Planning Ref:	LA07/2021/0762/	DEA	Rowallane
APPELLANT LOCATION	Mr B McCallister 70 Old Belfast Road Saintfield		
PROPOSAL	Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	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	20	PAC Ref:	2021/A0122
Planning Ref:	LA07/2020/0921/	DEA	Downpatrick
APPELLANT LOCATION	Alan Humphries Adjacent To 127a Shore Road 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			

Current Appeals

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ITEM NO	21		
Planning Ref:	LA07/2021/0092/	PAC Ref:	2021/A0137
APPELLANT LOCATION	Mr Paul Henry Murney 39 Chapel Hill Road Mayobridge	DEA	Crotlieve
PROPOSAL	Newry Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery		
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			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2021/0174/	PAC Ref:	2021/A0138
APPELLANT LOCATION	Mary Boal To The Rear Of No. 56 Milltown Street Burren	DEA	Crotlieve
PROPOSAL	Warranpoint 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			
Date of Site Visit			

Current Appeals

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ITEM NO	23	PAC Ref:	2021/A0141
Planning Ref:	LA07/2021/1066/	DEA	Slieve Croob
APPELLANT LOCATION	Sean & Linda Tumely 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	24	PAC Ref:	2021/A0143
Planning Ref:	LA07/2020/0518/	DEA	Slieve Gullion
APPELLANT LOCATION	Mr Alan Milne 100m North Of 245 Armagh Road Tullyhappy		
PROPOSAL	^{Newry} 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			
Date of Site Visit			

Current Appeals

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ITEM NO	25		
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.1 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	26		
Planning Ref:	LA07/2021/0502/	PAC Ref:	2021/A0156
APPELLANT	Mr & Mrs J Wade	DEA	Rowallane
LOCATION	71 Lisburn Road Lisdalgaun Saintfield		
PROPOSAL	Replacement dwelling and conversion of existing dwelling to domestic store.		
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			
Date of Site Visit			

Current Appeals

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ITEM NO	27		
Planning Ref:	LA07/2019/1262/	PAC Ref:	2021/A0158
APPELLANT	SJ Anderson & Sons	DEA	Rowallane
LOCATION	11 Lisburn Road Ballynahinch		
PROPOSAL	Replacement of existing dwelling with 4 townhouses and associated site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2021/0639/	PAC Ref:	2021/A0161
APPELLANT	Declan Clarke	DEA	Newry
LOCATION	Located Upon Lands Approximately 50 Meters North Of No 33 Ferryhill Road Clontarf		
PROPOSAL	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			

Current Appeals

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ITEM NO	29		
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	Carran 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	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	30		
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	Co. Armagh 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			

Current Appeals

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ITEM NO	31	PAC Ref:	2021/A0168
Planning Ref:	LA07/2020/1025/	DEA	Downpatrick
APPELLANT	Patrick Fitzsimons		
LOCATION	Adjacent To And North West Of 59 Annacloy Road Downpatrick		
PROPOSAL	RT30 9AQ 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	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	32	PAC Ref:	2021/A0169
Planning Ref:	LA07/2021/0066/	DEA	Newry
APPELLANT	Mr Peter Connolly		
LOCATION	3 River Street Newry BT34 1DQ		

PROPOSAL	Conversion of commercial property to four number self contained one bedroom apartments		
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APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	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			

Current Appeals

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ITEM NO	33		
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 Smith)		
PROPOSAL	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	Written Reps	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	34		
Planning Ref:	LA07/2020/0982/	PAC Ref:	2021/A0178
APPELLANT	Mr Noel McKeivitt	DEA	Newry
LOCATION	Lands Approximately 55 Metres North West Of No.5 Upper Fathom Road		
PROPOSAL	Fathom Lower: Proposed erection of 2 No. Rural infill detached dwelling houses and detached garages, rural entrance pillars and gates, additional landscaping and associated site works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	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			

Current Appeals

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ITEM NO	35		
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	36		
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			
Date of Site Visit			

Current Appeals

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ITEM NO	37		
Planning Ref:	LA07/2021/0428/	PAC Ref:	2021/A0185
APPELLANT	Michael Berrill	DEA	Newry
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	38		
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			
Date of Site Visit			

Current Appeals

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ITEM NO 39
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 40
Planning Ref: LA07/2020/1796/ **PAC Ref:** 2021/A0196
APPELLANT Joseph McKeivitt **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 **Written Reps** **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

Current Appeals

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ITEM NO	41		
Planning Ref:	LA07/2021/1407/	PAC Ref:	2021/A0197
APPELLANT	Mr & Mrs Orr	DEA	Rowallane
LOCATION	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	42		
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	Newry Proposed off site replacement dwelling and associated site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	24/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	43		
Planning Ref:	LA07/2021/0620/	PAC Ref:	2021/A0203
APPELLANT	Mr Martin Russell	DEA	Slieve Croob
LOCATION	Magheralagan Corn Mill Opposite 68 Drumcullan Road		
PROPOSAL	Downpatrick 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	44		
Planning Ref:	LA07/2021/1079/	PAC Ref:	2021/A0211
APPELLANT	Bridgeen King	DEA	Slieve Croob
LOCATION	7 Woodgrove Castlewellan		
PROPOSAL	Use of building as salon for home-working (retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	07/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	45	PAC Ref:	2021/A0225
Planning Ref:	LA07/2021/1123/	DEA	Slieve Croob
APPELLANT	Mr & Mrs Malone		
LOCATION	Lands Approx. 50m South East Of 55 Leitrim Road Castlewellan		
PROPOSAL	Proposed Site for erection of 1no detached off site Replacement Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	46	PAC Ref:	2021/A0229
Planning Ref:	LA07/2021/1188/	DEA	Crotlieve
APPELLANT	Frank Clerkin		
LOCATION	170 Metres North West Of 107 Kilbroney Road Rostrevor RT34 3RW		
PROPOSAL	Proposed extension to existing farm yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	47	PAC Ref:	2021A0234
Planning Ref:	LA07/2021/1091/	DEA	Rowallane
APPELLANT LOCATION	Mr Garth & Mrs Kathryn Belshaw Land Adjoining 26 Windmill Avenue Ballynahinch		
PROPOSAL	Single Dwelling House		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	14/03/2022
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	48	PAC Ref:	2021/A0235
Planning Ref:	LA07/2021/0251/	DEA	The Mournes
APPELLANT LOCATION	Robin Dalzell Site Adjacent To 57 Castlewellan Road Newcastle		
PROPOSAL	Single Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	14/03/2022
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	49	PAC Ref:	2021/A0239
Planning Ref:	LA07/2021/0368/	DEA	Downpatrick
APPELLANT	Mr & Mrs L Venney		
LOCATION	Lands Contained Between 1 Minerstown Road And 55 Rossglass Road		
PROPOSAL	Downpatrick 2 no. Infill dwellings and detached garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	50	PAC Ref:	2021/A0244
Planning Ref:	LA07/2021/1640/	DEA	Rowallane
APPELLANT	Luke Rea & Claire McIlwaine		
LOCATION	Lands Adjacent To And 35m West Of 73 Lisbane Road Ballynahinch		
PROPOSAL	Proposed Site for a Single Infill Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	51		
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	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			
Date of Site Visit			

ITEM NO	52		
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	Written Reps	Date Appeal Lodged	21/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	53		
Planning Ref:	LA07/2021/0780/	PAC Ref:	2021/E0058
APPELLANT	Norman Graham	DEA	Rowallane
LOCATION	50m North To Rear Of 46 Riverside Road Ballynahinch		
PROPOSAL	Erection and Use of Dwelling House		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	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	54		
Planning Ref:	LA07/2021/1361/	PAC Ref:	2021/E0069 LDC
APPELLANT	Mr Christopher Skelly	DEA	Slieve Croob
LOCATION	Land Adjacent And NW Of 50 Flush Road Ballyward Castlewella		
PROPOSAL	The formation of a laneway to the site and the digging of foundations		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	22/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	55	PAC Ref:	2021/E0074 LDC
Planning Ref:	LA07/2021/0990/	DEA	Downpatrick
APPELLANT LOCATION	Mr Brendan Starkey Approx 90m East Of 27 Bright Road Downpatrick		
PROPOSAL	The digging of foundations, the lying of concrete and the construction of a portion of block-work		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	16/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	56	PAC Ref:	2022/A0019
Planning Ref:	LA07/2021/1781/	DEA	Rowallane
APPELLANT LOCATION	Trevor Lindsay Between 5 & 7 The Nursery Killyleagh		
PROPOSAL	Site for Dwelling and Garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	26/04/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	57	PAC Ref:	2022/A0020
Planning Ref:	LA07/2022/0021/	DEA	The Mournes
APPELLANT LOCATION	Terence O'Hanlon 161 Bryansford Road Cross Kilronn		
PROPOSAL	Retrospective application for Garage building, also accommodating Home office and Gymnasium on hardstanding on increased Dwelling Curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/04/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	58	PAC Ref:	2022/A0024
Planning Ref:	LA07/2021/1011/	DEA	The Mournes
APPELLANT LOCATION	Gary Gordon 14 Church Road Kilkeel County Down		
PROPOSAL	Proposal for the erection of a shed for equestrian use and retention of extension to domestic curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	03/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

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ITEM NO	59	PAC Ref:	2022/A0028
Planning Ref:	LA07/2019/1084/	DEA	Slieve Gullion
APPELLANT	CP & A Supplies Ltd		
LOCATION	110m South West Of No. 1 Carrickcroppan Road Camlough		
PROPOSAL	RT35 7HA Extension to the existing commercial yard		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	60	PAC Ref:	2022/A0029
Planning Ref:	LA07/2021/1982/	DEA	Slieve Croob
APPELLANT	Mr Trevor Nelson		
LOCATION	70m SE Of 5 Coach Lane Cottage Road Seaford		
PROPOSAL	New agricultural shed		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	61	PAC Ref:	2022/A0046
Planning Ref:	LA07/2021/1041/	DEA	Slieve Croob
APPELLANT LOCATION	Mr & Mrs Anthony & Mary O'Prey To The Rear Of 9 Wateresk Road Dundrum		
PROPOSAL	Dwelling and detached garage with associated site works, including improvements to existing vehicular access		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/06/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	62	PAC Ref:	2022/A0072
Planning Ref:	LA07/2021/2178/	DEA	Crotlieve
APPELLANT LOCATION	Ms Kerry Boyle 3 Forest Hills Newry BT34 2FI		
PROPOSAL			

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	05/07/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			
