



July 27th, 2021

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 28th July 2021** at **10:00 am** in **Mourne Room Downshire**.

Committee Membership 2021-2022

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

Agenda

- 1.0 Apologies and Chairperson's remarks.
- 2.0 Declarations of Interest.
- 3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for the entire item.

Minutes for Adoption

4.0 Minutes of Planning Committee Meeting held on Wednesday 5 May 2021 . (Attached).

📎 *Planning Committee Minutes 05-05-2021.pdf*

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For Discussion/Decision

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

- Cllr. Hanna has requested that item 12 - LA07/2020/0661/O - Land opposite and West of Nos. 10 - 32 Grove Gardens, Killyleagh - Housing development - be removed from the addendum list to be presented at full Committee

📎 *Addendum list - 28-07-2021.pdf*

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

6.0 P/2013/0189/F - 100m West of no. 15 Drumsesk Road, Rostrevor - Sports Complex to include 1 no. full size pitch, club house, floodlighting and private entrance on to Warrenpoint Road, and all associated site works. (Case Officer report and addendums attached).

REFUSAL

- The Chief Planning Officer has advised this application has been withdrawn from the agenda and will be re-presented at a future Committee meeting

📎 *P-2013-0189-F - revised.pdf*

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📎 *Addendum to Case Officer Report - P.2013.0189.F.pdf*

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7.0 LA07/2019/1375/F - Lands immediately South of 17 Leitrim Road, Ballymaginaghy, Castlewellan - Erection of 2 dwellings. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Michael Clarke, agent, will be in attendance to answer any questions Members might have).
- Cllrs. Burgess, Hanna, Harte, Larkin, Murphy, McAteer, O'Hare and Trainor are eligible to take part in the discussion/decision on this application.

LA07-2019-1375-F Leitrim Road - 2 Infill dwellings.pdf

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8.0 LA07/2020/1792/F - 75m South of 15 Sheepland Road, Ardglass - Dwelling and garage on a farm . (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Barry Hillen, agent, will be in attendance to answer any questions Members might have).
- Cllrs. Burgess, Hanna, Harte, Larkin, Murphy, McAteer, O'Hare and Trainor are eligible to take part in the discussion/decision on this application.

LA07-2020-1792-F 75M S of 15 Sheepland Road Ardglass.pdf

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9.0 LA07/2020/0299/F - Adj. to 7 Annacloy Road North Dunnanelly, Downpatrick - Single storey dwelling. (Case Officer report and addendum attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Brian Kennedy, agent, will be in attendance to answer any questions Members might have).
- Cllrs. Burgess, Hanna, Harte, Larkin, Murphy, McAteer, O'Hare and Trainor are eligible to take part in the discussion/decision on this application.

LA07 2020 0299 F COR.PDF

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LA07 2020 0299 F Addendum.pdf

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10.0 LA07/2020/1519/RM - 151 Castlewellan Road, Dromara - Replacement dwelling - (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application. (Declan Rooney, agent, will be in attendance to answer any questions Members might have)
- Cllrs. Burgess, Hanna, Harte, Larkin, Murphy, McAteer, O'Hare and Trainor are eligible to take part in the discussion/decision on this application.

📎 LA07 2020 1519 RM.PDF

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Development Management - Planning Applications for determination

11.0 LA07/2019/1808/F - Ballykinler GAC Commons Road, Ballykinler - (proposal details below). (Case Officer report attached)

APPROVAL

4 no. full size GAA pitches (3 of which are floodlit), spectator seating, multi-use games area (MUGA), changing rooms, fitness studio and ancillary offices, car and bus parking, pedestrian access from Marian Park, new access arrangements, relocation of traffic calming feature on Commons Rd, landscaping and associated site works. Road junction improvements of Commons Road / Tyrella Road junction and improvement works to include carriageway widening, a ghost island right turn provision with associated visibility splays, drainage, embankment re-gradation and associated road works. (Amended Description)

- A request for speaking rights has been received from Sarah McDowell, Resolve Planning (agent) and Sean Og McAteer, Down GAA secretary, in support of the application. **(Submission attached).**
- A written statement from Councillor J Tinnelly in support of the application. **(Submission attached). (Councillor Tinnelly will not be in attendance at the meeting).**

📎 LA07-2019-1808-F Down GAA (002).pdf

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📎 LA07-2019-1808-F.pdf

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📎 Item 11 - LA07-2019-1808-F (Cllr. Tinnelly).pdf

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12.0 LA07/2020/0661/O - Land opposite and West of Nos. 10 - 32 Grove Gardens, Killyleagh - Housing development. (Case Officer report attached).

APPROVAL

- Cllr. Hanna has requested this application be removed from the addendum list and presented at full Committee.

📎 *LA07-2020-0661-O (Housing) Grove Gardens Killyleagh.pdf*

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13.0 LA07/2020/1797/F - 22 Ballaghbeg Park, Newcastle - Proposed single storey rear extension to dwelling. (Amended Proposal). (Case Officer Report attached).

APPROVAL

- A request for speaking rights has been received from James and E Major in objection to the application. **(Submission attached).**

📎 *LA07-2020-1797-F - 22 Ballaghbeg Park.pdf*

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📎 *Item 13 - LA07-2020-1797-F (objection).pdf*

Page 101

14.0 LA07/2021/0058/F - East of 33 and 30 - 36 Tollymore Brae, Newcastle - 8 no. detached dwellings and associated landscaping. (Case Officer Report attached).

APPROVAL

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

📎 *LA07-2021-0058-F Housing Tollymore Brae.pdf*

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📎 *Item 14 - LA07-2021-0058--F.pdf*

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15.0 LA07/2020/1477/O - Lands immediately adjacent and West of 61 Ameracam Lane, Cranfield - Proposed infill dwelling. (Case Officer Report attached)

REFUSAL

- A request for speaking rights has been received from Declan Rooney, agent; Pat Savage, Savage Associates and Thomas Clarke, applicant, in support of the application. **(Submission attached).**
- Jen Firth, DAERA, will also be available for this application

📎 *LA07-2020-1477-O.pdf*

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📎 *Item 15 - LA07-2020-1477-0.pdf*

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16.0 LA07/2020/1627/F - 72 Newry Road, Mayobridge, Newry - Proposed replacement dwelling. (Case Officer Report attached)

REFUSAL

- Councillor McAteer has requested this application be withdrawn from the agenda and re-presented at a future Committee Meeting.


 *LA07-2020-1627-F 72 Newry Road.pdf*

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17.0 LA07/2020/1355/F - 90 metres North of 14 Upper Clontigora Road, Killeen, Newry - Erection of replacement dwelling with detached garage. (Case Officer Report attached).

REFUSAL

- This application is being deferred as the agent is unable to attend the meeting.

 *LA07-2020-1355-F.PDF*

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 *Item 17 - LA07- 2020-1355-F.pdf*

Page 148

18.0 LA07/2020/0893/F - 60 metres South of No. 49 Ballsmill Road, Glassdrumman, Crossmaglen - Proposed erection of 2 no. detached rural infill dwelling houses and detached garages ancillary works and additional landscaping. (Case Officer Report attached)

APPROVAL

- Councillor McAteer has requested this application be withdrawn from the agenda and re-presented at a future Committee Meeting.

 *LA07-2020-0893-F South of 49 Ballsmill Road Amended.pdf*

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19.0 LA07/2020/0496/F - Approx 105m NE of junction of Bernish Road and Seavers Road, Newry - Consolidation of existing development to form single dwelling. (Case Officer Report attached).

REFUSAL

- This application is being deferred as the agent is unable to attend the meeting.

 *LA07-2020-0496-F NE of junction of Bernish and Seavers Road.pdf*

Page 158

20.0 LA07/2018/0262/F - Lands rear of No. 7-16 and the side of No. 17 Meadowvale, Newtownhamilton - Proposed housing development. (Amended Description and Plans) (Case Officer Report attached)

APPROVAL

- Addendum list

LA07-2018-0262-F.pdf

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For Noting

21.0 Historic Actions Tracking Sheet. (Attached).

Planning HISTORIC TRACKING SHEET - Updated July 2021.pdf

Page 176

22.0 Planning Committee Performance reports for May and June 2021. (Attached).

MAY 2021 Planning Committee Performance Report.pdf

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June 2021 Planning Committee Performance Report.pdf

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23.0 Current appeals and decisions May and June 2021. (Attached).

Appeals and Decision issued May 2021.pdf

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Appeals and Decisions issued in June 2021.pdf

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24.0 Consultation response: SONI "Shaping Our Electricity Future". (Attached).

PC Report re SONI response.pdf

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NMDDC response - SONI Shaping Our Electricity Future.pdf

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Local Development Plan Items - Exempt Information

25.0 LDP: Policy Review Paper - Control of Outdoor Advertisements. (Attached)

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

 *PC Report re LDP PPR - Control of Advertisements.pdf*

Not included

 *PPR Paper - Control of Advertisements (PC 28.07.21).pdf*

Not included

26.0 LDP: Planning Policy Review - Historic Environment. (Attached).

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

 *PC Report re LDP PPR - Historic Environment.pdf*

Not included

 *PPR Paper - Historic Environment (PC 28.07.21).pdf*

Not included

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 05 May 2021 at 10.00am via Microsoft Teams

Chairperson: Councillor R Burgess

In attendance: (Committee Members via Teams)

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

(Officials)

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

P/044/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:

Councillor S Doran
Councillor P Brown

P/045/2021: DECLARATIONS OF INTEREST

No declarations of interest.

**P/046/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Item 6 - P/2013/0189/F – Cllrs. Brown, Doran, Hanna, McAteer and Tinnelly could not take part in the discussion/decision on this application

Item 14 – LA07/2020/0719/F – Cllrs. Doran and Trainor could not take part in the discussion/decision on this application

MINUTES FOR CONFIRMATION

**P/047/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
THURSDAY 08 APRIL 2021**

Read: Minutes of Planning Committee Meeting held on Thursday 08 April 2021. **(Copy circulated)**

AGREED: **On the proposal of Councillor Trainor seconded by Councillor Stokes it was agreed to adopt the Minutes of the Planning Committee Meeting held on Thursday 08 April 2021 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/048/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 05 May 2021. **(Copy circulated).**

AGREED: **On the proposal of Councillor Trainor seconded by Councillor Stokes it was agreed to remove the following Planning Application from the Addendum List to allow for full presentation at the next Planning Committee Meeting.**

- **Item 20 - LA07/2017/1779/F** Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to planning approval LA07/2015/0782/F. - change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m **APPROVAL**

AGREED: **On the proposal of Councillor Trainor seconded by Councillor Stokes it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 05 May 2021:**

- **Item 7 - LA07/2018/1075/F** - Lands fronting onto Moygannon Road at Junction with Rostrevor Road Warrenpoint (Opposite 2-16 Moygannon Road; 1&2 Rowallon and 1&2 Rathgannon) Erection of 21 dwellings with associated site works **APPROVAL**

- **Item 18 - LA07/2020/1063/F** - 33 Rocks Road Ballyhornan Downpatrick - proposed extension and alterations to existing dwelling **APPROVAL**
- **Item 19 - LA07/2020/1370/F** - 165m east of household recycling centre Bann Road Castlewellan - Park and Share Car Park, new vehicle and pedestrian entrance to Bann Road with height restrictor barrier and new pedestrian footpath **APPROVAL**
- **Item 21 - LA07/2021/0208/F** - Dunleath Park Market Street Downpatrick - Recreational Path. **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/049/2021: PLANNING APPLICATIONS (WITH PREVIOUS SITE VISITS)

(1) P/2013/0189/F

Location:

100m West of no 15 Drumsesk Road Rostrevor BT34 3EG

Proposal:

Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. Additional information received.

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was unanimously agreed to remove Planning Application P/2013/0189/F from the agenda as a number of statutory consultee responses had not been received therefore the Planning Department was not in a position to bring this application forward at this stage.

P/050/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

- (1) **LA07/2019/1695/F**
- (2) **LA07/2019/1702/LBC**

Location:

10 The Mall and 90 Hill Street Newry BT34 1BX

Proposal:

Proposed change of use from existing retail/storage to 40-bedroom hotel with restaurant/bar, gymnasium and coffee shop. Demolition of existing single storey infill and creation of four storey infill extension. Reinstatement of existing window openings on rear elevation.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

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

**Speaking rights:
(via Teams)**

There are no speaking rights requests on this application.

Issues raised:

No issues raised.

AGREED: On the proposal of Councillor Stokes seconded by Councillor Tinnelly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1695/F and LA07/2019/1702/LBC as per the information and recommendation contained in the Case Officer Report presented to Committee.

(3) LA07/2020/1394/O

Location:

90m West of No16 Desert Road Mayobridge Newry BT34 2JB

Proposal:

Proposed 1 1/2 Storey dwelling (Ridge Height of 7.5m) and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

**Speaking rights:
(via Teams)**

In support:

Mr Martin Bailie Agent and Ms Victoria Simpson Applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The site does not visually link with the established group of buildings on the farm
- Agent confirmed the laneway was not a new laneway and complied with Policy to use existing farm laneways.
- Proposed site was chosen as the land was of less agricultural quality and is located beside the existing laneway.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Trainor it was agreed to issue an approval in respect of Planning Application LA07/2020/1394/O contrary to Officer recommendation on the basis that there is evidence to suggest that the distance the proposed house and garage are from the nearest farm buildings will achieve integration, it fits with policy in terms of using the existing

access laneway into the farm, and in terms of economic benefit to the farm the use of an area that would not be as economically viable is fundamental with regard to this application.

Planning Officials be granted authority to impose any relevant conditions.

(4) LA07/2021/0029/F

Location:

Killeavy Castle Estate 12 Ballintemple Road Killeavy Newry

Proposal:

New farm shop and vegetable garden

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was agreed at the request of Planning Officers, to remove Planning Application LA07/2020/0029/F from the agenda for further consideration.

(5) LA07/2021/0038/LBC

Location:

Killeavy Castle Estate 12 Ballintemple Road Killeavy Newry BT35 8LQ

Proposal:

New farm shop

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was agreed at the request of Planning Officers, to remove Planning Application LA07/2020/0038/LBC from the agenda for further consideration.

(6) LA07/2020/0605/F

Location:

61 Ballytrim Road Crossgar

Proposal:

Replacement dwelling and amended access.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

**Speaking rights:
(via Teams)**

In support:

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

Issues raised:

- Proposal has a greater visual impact on the landscape than that of the dwelling to be replaced.
- Extension of curtilage into adjacent open field and the ancillary works required to accommodate the size and scale of the proposed dwelling will have detrimental impact on rural character and the ability of the site to absorb such a dwelling.
- The proposal is contrary to Planning Policy CTY3, CTY13 and CTY14.
- Planning Policy CTY3 does not prohibit dwellings larger than those that are to be replaced – the site is over 200m back from the road therefore views from the public road are over a greater distance – substantial landscaping will be provided.
- Proposed dwelling sits within the drumlins and has no significantly greater impact than the dwelling to be replaced.
- Acknowledged that if there were other ways to light rooms and remove dormer windows this would be acceptable to the agent/applicant.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor O Hare it was agreed to issue an approval in respect of Planning Application LA07/2020/0605/F, contrary to Officer recommendation, on the basis that the visual illustrations presented do not show any significant impact in terms of prominence in the countryside and due to the location, the house integrates well into the countryside; the elegance of the proposed dwelling suits the location and the proposed landscaping will ensure integration.**

Planning Officials be granted authority to impose any relevant conditions.

(Cllr. Larkin joined the meeting)

(Cllr. Trainor withdrew from the meeting)

(7) LA07/2020/0719/F

Location:

171 Rathfriland Road Dromara

Proposal:

Off site replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights: (via Teams)

In support:

Mr Damien Broderick Planning Consultant, and Mr Jonathan Buckley MLA, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr John Laverty Layde Consulting, the applicant and the Architect were available to answer questions.

Issues raised:

- The application was presented Committee in December 2020 and deferred to allow for further evidence to be presented in support of the case.- additional information has been submitted.
- Environmental Health confirm no noise complaints have been received in the past 6 year period.
- The view of Planning Department is that it has not been demonstrated that the off-site location is justified on amenity grounds.
- It is applicant's view the proposed location provides substantial amenity benefits.
- Following noise survey by Consultants and it was established the existing dwelling curtilage does suffer from noise nuisance from outside the amenity areas and the proposal to erect a wall / fencing to address noise levels would impact on prominence and would not be conducive to a quality residential development in a rural location.
- The alternative site is more suitable from an amenity perspective.
- A combination of factors are needed to address integration of a dwelling into the landscape.
- Agricultural field to frontage of proposed dwelling further strengthens rural character and the proposed new dwelling would only come into view within the immediate vicinity of the site.
- The alternative site offers benefits in terms of landscaping, heritage, access and amenity.
- The off-site location was originally part of the curtilage of the existing dwelling which had been grassed over. The alternative site is approximately 35m from the existing dwelling – due to topography of adjacent lands the house will nestle in below the established boundary.

With regard to discussion on noise, Mr McKay cautioned the Committee with regard to the possible creation of a new policy in advance of preparing a new Development Plan.

Councillor Hanna proposed and Councillor Murphy seconded to issue an approval in respect of Planning Application_LA07/2020/0719/F, contrary to officer recommendation, on the basis that given a noise issue does exist which cannot be eliminated, moving the proposed dwelling further back from the road will provide amenity gain; with regard to siting on what is a restricted site, it is extremely harsh to eliminate the curtilage of the existing site that was in fact previously part of the existing dwelling's yard up until one year ago and the new site is within the curtilage of the existing site; with regard to integration and boundaries, what is being proposed and the natural boundaries are acceptable; the visibility of the proposal will fit very well with the topography of the area as natural hedge fronting along the road already exists and will substantially address both planning and amenity gains.

Ms Largy echoed the concerns expressed by Mr McKay regarding the issues arising from the application. She said planning policy indicates that when applying for a replacement dwelling this should be on site and she expressed concern at the approach being adopted today which would suggest any replacement dwelling that is immediately beside a road should be

moved further into the countryside and she therefore reminded Members they must be mindful of the context within which they are being asked to make a decision.

Ms Largy added that if the Committee were considering overturning the officer recommendation in regard to this application, that they instead defer the application to allow officers to look at policy and report this application back to Committee at a later stage.

In response to Councillor Hanna's comments regarding the proposed site being originally part of the curtilage of the existing dwelling, Ms Largy whilst she understood Councillor Hanna's explanation, and that this may be a case where there are particular circumstances which would distinguish it from others, she however cautioned against the possibility of creating a general expectation that this would be the approach of Council going forward in respect of these types of applications where the replacement is along the road, and therefore requested officers be granted time to look at this application in further detail.

The proposal to issue an approval in respect of Application LA07/2020/0719/F, contrary to officer recommendations, for the reasons previously outlined by Councillor Hanna, and seconded by Councillor Murphy, was put to a vote and voting was as follows:

FOR:	5
AGAINST:	2
ABSTENTIONS:	1
ABSENT:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2020/0719/F, contrary to officer recommendation, on the basis that given a noise issue does exist which cannot be eliminated, moving the proposed dwelling further back from the road will provide amenity gain; with regard to siting on what is a restricted site, it is extremely difficult to eliminate the curtilage of the existing site that was in fact previously part of the existing dwelling's yard up until one year ago and the new site is within the curtilage of the existing site; with regard to integration and boundaries, what is being proposed and the natural boundaries are acceptable; the visibility of the proposal will fit very well with the topography of the area as natural hedge fronting along the road already exists and will substantially address both planning and amenity gains.

Planning Officials be granted authority to impose any relevant conditions.

(11.24am – the meeting adjourned)

(11.30am – the meeting resumed)

(Cllr. Trainor re-joined the meeting)

(8) LA07/2020/1519/RM

Location:

151 Castlewellan Road Dromara

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights:

(via Teams)

In support:

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

Issues raised:

- The proposal will have significant greater impact than that of the building to be replaced.
- The design features of the proposal are not acceptable form of design in this countryside location which is an AONB.
- Planning have suggested reducing the dwelling height from 10m to 8m, reduce porch to a single storey, and internalise the chimney breast - these amendments have not been made.
- Agent gave 2 examples of houses in the area which have similar front porch projections and external chimney breast features – Planning Officer confirmed these applications were approved under a different planning context , ie, there was no design guide at that stage, whereas now they are considered under the Rural Design Guide.
- The visual impact of the new proposed dwelling will be the same as that from the existing building and will be entirely screened by existing vegetation.

Councillor McAteer proposed and Councillor Trainor seconded to accept the officer recommendation on this application, but that further discussions take place with regard to design changes which could allow the application to receive an approval.

The proposal by Councillor McAteer, seconded by Councillor Trainor, was put to a vote and voting was as follows:

FOR:	4
AGAINST:	5
ABSTENTIONS:	1

The proposal was declared lost.

Councillor Larkin proposed and Councillor Trainor seconded to defer Planning Application LA07/2020/1519/RM for a site visit.

A vote was then taken on the proposal by Councillor Larkin seconded by Councillor Hanna, and voting was as follows:

FOR:	8
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/1519/RM for a site visit.

(9) LA07/2020/1792/F

Location:

75m South of 15 Sheepland Road Ardglass

Proposal:

Dwelling and garage on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Speaking rights: (via Teams)

In support:

Mr 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:

- The proposal is a new dwelling and is not an established building on the farm; it cannot achieve adequate integration into the landscape; would result in ribbon development.
- Agent pointed out the farm business is currently active; the building is visually linked/clustered with the established group of farm buildings.; no dwellings have been sold off or development opportunities in the past 10 years; the house was transferred into the applicants name to fulfil mortgage requirements; no alternative viable sites are available;
- Planning Department's comments regarding this application are based solely on the site proposed.

AGREED: On the proposal of Councillor McAteer seconded by Councillor it was agreed to defer Planning Application LA07/2020/1792/F for a site visit.

(10) LA07/2021/0027/O

Location:

60m North of 67 Dechomet Road Dromara.

Proposal:

Demolition of existing vacant dwelling and erection of replacement dwelling and garage as per CTY3 PPS21.

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was agreed at the request of Councillor Murphy to remove Planning Application LA07/2021/0027 from the Schedule and represent this application to the Planning Committee Meeting in June 2021.

FOR DISCUSSION / DECISION

P/051/2021: PLANNING POLICY

Noted: The update report from Ms N Largey Legal Services and Mr F O Connor Legal Services, was withdrawn from the agenda.

FOR NOTING

P/052/2021: HISTORIC ACTION SHEET

Read: Planning historic action sheet. **(Copy circulated)**

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

P/053/2021: PLANNING COMMITTEE PERFORMANCE REPORT APRIL 2021

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

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

P/054/2021: PLANNING APPEALS AND DECISIONS

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

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

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

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

P/055/2021: LDP: PLANNING POLICY REVIEW (QUARTERLY UPDATE)

Read: Report dated 05 May 2021 from Mr A McKay, Chief Planning Officer regarding a quarterly update on Planning Policy Review.
(Copy circulated)

P/056/2021: LDP: PLANNING POLICY REVIEW – NATURAL HERITAGE

Read: Report dated 05 May 2021 from Mr A McKay, Chief Planning Officer regarding LDP: Planning Policy Review – Natural Heritage.
(Copy circulated)

(12.26pm – Councillor Trainor left the meeting)

(12.34pm – Councillor O Hare left the meeting)

On the proposal of Councillor Larkin seconded by Councillor Stokes it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairman advised the following decisions had been agreed:

P/055/2021: LDP: Planning Policy Review – (Quarterly Update)

Agreed: **On the proposal of Councillor Stokes seconded by Councillor McAteer it was agreed to note the quarterly update as provided in Report dated 05 May 2021 from Mr A McKay Chief Planning Officer regarding Planning Policy Review.**

P/056/2021: LDP: Planning Policy Review– Natural Heritage

Agreed: **On the proposal of Councillor McAteer seconded by Councillor Stokes it was agreed as follows:**

- **To note the LDP: Planning Policy Review – Natural Heritage**
- **Approve the proposed draft planning policies for inclusion within the draft Plan Strategy**
- **Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (ie, subject of further consultation engagement, sustainability appraisal, and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction.**

The Chairperson extended thanks to everyone for their help and support throughout his term as Chair of the Planning Committee.

Councillor McAteer congratulated the Chairperson for chairing the Planning Committee over the past year which was under difficult circumstances.

The meeting concluded at 12.55pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 30 June 2021.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 28 July 2021

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

- Item 12 - LA07/2020/0661/O - Land opposite and West of Nos. 10 - 32 Grove Gardens, Killyleagh - Housing development **APPROVAL**
- Item 20 - LA07/2018/0262/F - Lands rear of No. 7-16 and the side of No. 17 Meadowvale, Newtownhamilton - Proposed housing development **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Proposal: Proposed Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. (Amended plans and information received)

Location: 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG



Site Characteristics & Area Characteristics:

The site is located opposite (100 metres west of) 15 Drumsesk Road, Rostrevor. It comprises a portion of a large agricultural field which measures approx. 3.5 ha. The field is orientated from north to south. Its eastern boundary abuts Drumsesk Road and it measures approx. 290 metres along the Drumsesk Road frontage and 180 metres in depth.

The topography of the site falls from north west to south east, and the difference in ground levels from the north western to the south eastern corners is significant.

The site appears open and exposed when viewed from the southern approach on Drumsesk Road. This is partly due to gaps in the roadside vegetation, and also partly due to the size of the field and the lack of any vegetation within its boundaries.

The southern and western field boundaries are defined by post and wire fencing whilst the northern and eastern boundaries are defined by mature hedging and large shrubs / small trees. There is a D-rail fence along part of the north western boundary, along the curtilage to No 12 Drumsesk Road.

There is no built heritage, archaeological or other natural features within the site, and there was no evidence of protected species at the time of site inspection. There are a number of listed buildings in the general vicinity of the site, the closest being No. 75 Warrenpoint Road, Rostrevor, which is located approx. 120 metres south west of the south western corner of the site.

The site is currently accessed from an existing entrance at the south eastern corner. This entrance serves as an access to a group of farm buildings at the south western corner of the site, as well as 12 Drumsesk Road. Some of the farm buildings have been converted to a mechanic's garage.

Site History:

There is no relevant on-site planning history. There is no relevant planning history associated with this proposal; however, the GAA club has previously received planning permission for a separate facility of this nature, at a separate site outside the statutory development limit around Rostrevor. That site was located on Kilbroney Road, Rostrevor, and it was situated immediately adjacent to the development limit (P/2008/1164/F, immediately east of Kilbroney Valley- a private housing development – on Kilbroney Road, Rostrevor). Approval was granted in December 2009.

Planning Policies & Material Considerations:

The Banbridge, Newry and Mourne Area Plan 2015
 PPS 8 Open Space
 PPS 3 Access Movement and Parking
 PPS 2 Natural Heritage
 PPS 15 Flooding
 PPS 21 Sustainable Development in the Countryside
 PPS 6 Built Heritage and Archaeology.
 The SPSS

Consultations:

NIEA: No objections
 HED: Objection on grounds of impact to several Listed Buildings
 DfI Roads: No Objections subject to Planning making a planning decision on whether it represents an exception to the revised AMP 3 policy contained within PPS 21.
 Environmental Health: No objections

Rivers: No Objections.

SES: Proposal has potential to have adverse environmental effects on European Designated Sites. Satisfactory HRA cannot be undertaken.

Objections & Representations

There has been considerable public representation on this application. Firstly, there have been 1059 letters of support and 2 petitions of support. These range from neighbours to residents of the wider lower Mourne area of Rostervor and Warrenpoint. Cllr D McAteer and Cllr Patrick Brown, as well as numerous Sinn Féin and SDLP MLA's have also written in support. There have also been substantial objections (59 to date together with a petition of 16 signatures) to the proposal from residents within the immediate area. These include the Drumsesk Residents Association, and properties within the immediate area of the proposal and MLA Jim Wells. The concerns raised are summarised as follows:

Impact on setting of nearby listed building(s);

Unacceptable visual impact;

Noise (from patrons, whistles, vehicular traffic, intercom system etc);

Lack of new landscaping;

Road safety concerns - lack of footway link to the A2, lack of street lighting on Drumsesk Road, lack of passing bays, inadequate sight lines where Drumsesk Road intersects with the A2, inadequate width of Drumsesk Road, impact of flood lighting on road users of Drumsesk Road;

Surface water / drainage issues on Drumsesk Road;

Impact of proposed new access road on rural character and the setting of Arno's vale;

Query regarding disposal of water from the site;

Detrimental to the environmental quality of the area;

Light pollution / nuisance from floodlights;

Prominence (the club house);

Flooding concerns due to proximity to flood plain;

Impact on wildlife (red squirrels, otter, birds and bats).

These concerns are dealt with throughout the case officer report. The residents in a recent letter have also raised concerns in relation to the proposal being EIA Development. The previous planning authority screened this proposal when it was a much larger than now proposed for assessment of whether it was EIA development. It concluded that it wasn't and screened the proposal out. The Council's planning department have reviewed that screening opinion together with the reduction in the proposal and are of the opinion that it remains valid and that the proposal still does not represent EIA development. The Council adopt the previous EIA screening as its own in consideration of this application.

SES have also carried out a HRA assessment on behalf of the Planning Authority. The Planning Authority formally adopt that HRA as its own for the purposes of complying with Regulation 43 of The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as Amended 2015).

Consideration and Assessment:

Section 45 of The Planning (Northern Ireland) Act 2011, requires the council to have regard to the Local Development Plan as far as material to the application and to any other material

considerations. Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires that the determination of proposals must be in accordance with the development plan unless material considerations indicate otherwise.

This site is located within the countryside and outside any zoned and designated site for land use. The site is located within the designated AONB as outlined with the area plan maps.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter then retained policies this should not be judged to lessen the weight to be afforded to the retained policy. In this case as I do not deem the proposal to fall into an intensive sporting facility, but rather an application for Outdoor open space, the policies contained within PPS 8 are more prescriptive and therefore shall be given weight.

This application has been substantially amended throughout the lifetime of its processing. It has been advertised and re-advertised on 7 different occasions and neighbour notified at least 7 times also. Given the substantial changes to the scheme, the report will assess the final set of amendments only.

The site lies in the open countryside, and PPS 21 applies to all countryside development. CTY1 outlines the types of acceptable development, which includes open space, sport or outdoor recreation in accordance with PPS 8.

PPS 8 Policy OS 3 assesses applications for outdoor recreational uses. Policy OS 3 outlines that planning permission for outdoor recreational proposals will be granted where it has been demonstrated that the proposal will meet all the criteria listed from points (i) to (viii). The SPPS is arguably less descriptive and therefore OS 3 will be given significant weight in this determination. On assessment of the proposal against the criterion of OS 3, It has not been demonstrated that this proposal will not have an adverse impact on features of importance to nature conservation, archaeology or the built heritage. Historic Environment Division: Historic Buildings Unit have been consulted with the proposal and have raised several key concerns in relation to the proposal and its impact on the setting on several adjacent Listed Buildings, particularly Arnos Vale by reason of the overall scale of the development and the consequent impact on the wider landscape of this largely undeveloped rural area between Rostrevor and Warrenpoint. For example, a critical view from the Cloughmore Stone takes in several listed buildings including Arno's Vale, Rosetta, Drumsesk House and the Ross Monument. The proposal will radically change the character of this view. The proposed access road which run across lands directly in front of Arnos Vale, attendant traffic, noise and likely advertising and signposting; The height and density of the flood lighting – not only when the lights are on, but the impact of the standards; Fencing and netting arrangements would all have an unacceptable adverse impact on the setting of listed buildings listed above

and in particular on the setting of Arno's Vale. There is also a more concentrate view of the proposal from the Drumsesk Road, which in which the above detailed adverse impacts will be more obvious in a local critical viewpoint.

In relation to the natural heritage through the final submission the agent reverted to the use of a waste water treatment tank, with a run off pipe feeding into the existing watercourse to the front of the site. Given the constraints of the site, it cannot be demonstrated that the proposal would not have an adverse impact on the natural heritage features of nearby designations, in particular those of Carlingford Lough SPA, Marine proposed SPA and RAMSAR site, Carlingford Shore SAC and Carlingford Lough SPA (ROI). This is explained in detail below under consideration of Natural Heritage PPS 2 policies. An objection letter has been received recently highlighting that the change to waste water discharge will have a detrimental impact on protected species and the overall proposal will have an impact on several protected species, including bats, red squirrels, otters, birds including curlews. The Planning Department have previously consulted with NIEA about the potential impact this proposal will have on Bats and other protected species. NIEA have responded previously to advise that they do not have concerns in this regard. NIEA however have voiced concerns that the waste water treatment proposal has the potential to pollute but have not voiced an objection in this regard. Taking a precautionary approach to ensuring the habitats of protected species are not endangered, the Planning Department would agree that the means of waste water treatment and its location proposed, may result in a detrimental impact on this protected species. The Planning Department have consulted NIEA with the letter of objection. If a further response from NIEA materially changes the Planning Department's opinion put forward in this Report, we will notify Committee of a revised consideration.

Whilst this proposal would, if permitted, result in the loss of agricultural land, there will be no unacceptable adverse impact on nearby agricultural activities, and the loss of agricultural land will not be significant in the context of the amount of available agricultural land in the locality.

The proposal will have a significant adverse impact on the visual amenity of the area. Based on the information currently available, it appears that the proposal will feature prominently in the area. There are considerable views into and through the site. Existing vegetation and hard landscaping will have to be removed to allow for the creation of sight lines, and the flood lighting columns and associated infrastructure of ball stop nets, the access road and the car parking will feature prominently in this landscape, which is particularly sensitive given its AONB location. The proposed club house while having an appearance of being single storey is 8.3m in height from finish floor level, which will have a significant detrimental impact on the rural area by way of lack of integration.

The proposed potential impact on the amenities of nearby residents have been assessed. The only existing boundary treatment separating the site from No 12 Drumsesk Road is a D-rail fence at present. It is proposed to plant this boundary out to the west of the site. However, the rear boundary to the north remains undefined to the rest of the agricultural field. The impact on the amenity of No 75 Warrenpoint Road and No 2 Drumsesk Road have been assessed through the submission of lighting assessments and with consultation with Environmental Health. Given the submission and changes to the floodlighting proposed, the reports clearly take the worst-case scenario of an E1 area and shows that there will not be

an unacceptable detrimental impact. The volume of cars travelling into and out of the site has the potential to compromise the amenity of the existing properties listed above given the lack of existing landscaping proposed to mitigate them, that and the fact that it would take a substantial period of time to mature to give an appropriate level of protection required. It is noted that Environmental Health Department have no concerns relating to noise from the proposed development and its impacts on the neighbouring. While there will be noise generated from the proposal, it must be assessed against the existing background noise currently experienced by immediate residents, with the presences of the traffic noises along the A2, and the light engineering works located in shed adjacent to No 75 Warrenpoint Road. The noise resulting from the proposal before us will not be continuous but rather limited to mostly evening and weekends and this taken together with the existing background noise of the A2 and surrounding land uses will limit any potential noise having an adverse impact on neighbouring residential amenity. This is supported by Environmental Health's response that there will be no adverse impact on residential amenity by way of noise in their most recent response. The objectors in recent correspondence have highlighted that there would be up glow from the floodlights because of this proposal and point out that in the Institution of lighting professional guidance notes for the reduction in obtrusive light the standard for an E1 area should not exceed 0 Lux pre-curfew. In considering this objection I am mindful that within the Mourne's AONB there is substantial large urban areas which would all exceed this threshold. The policy of the AONB requires that the proposal respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape. This proposal for lighting will result in an illumination of the sky or up glow within the AONB. However, there are large areas of the ANOB which already experiences this within urban areas and indeed around other sports grounds within the Mourne's AONB. In these areas the recommended 0 Lux pre-curfew is not achieved. The Planning Department having considered all material considerations in this matter, including the characteristics of the AONB, and the existing light pollution of neighbouring street lights along the Drumsesk cottages and the A2 together with the overspill from two nearby urban areas, do not consider that the flood lighting of the pitch for specific times would have a detrimental impact on the character of the AONB. The recent objection letter also states that in the submitted lighting report that property 6 exceeds the recommended Lux levels. The planning Department are aware of this, however as this property does not have a residential use class, no determining weight has been attached to it as it would not adversely affect living or working amenity.

There is no evidence to suggest that public safety could be prejudiced by this proposal and the nature, scale, extent and frequency of use proposed do not render the development incompatible with the surrounding character. A recent objection submitted has raised the concern that the proposed flood lighting would have a detrimental impact on road users due to the lighting having a blinding effect of road users. DfI Roads are the responsible authority for roads safety and they have been consulted on numerous occasions on the scheme in its entirety, including the flood lighting and they have responded stating that they have no roads safety concerns.

The club house will not be able to benefit from an appropriate degree of integration within the surrounding area, this together with the visual impact of the flood lighting standards and ball stop nets will have a detrimental impact on the character of the AONB. There will be a significant amount of earth movement required to accommodate this proposal. The overall

significant impact of the amount of earth moving required to accommodate this proposal will be likely to affect the character and appearance of the rural area and indeed that of the ANOB to its detriment.

No evidence has been suggested to indicate that a movement pattern that supports walking and cycling will be created to an acceptable standard, however the site does have existing and proposed pedestrian linkages with either nearby settlement of Warrenpoint and Rostrevor. These Pedestrian links are not to an acceptable standard in terms of the width required by existing standards, and access by means of transport other than the private car would not be convenient;

At this stage DfI Roads has indicated that the proposed access and internal access road is acceptable when considered against the requirements of AMP 1 and AMP 2. However, as it does not meet the criteria for suitable recreational development within the countryside and the proposal involves a new access road onto a protected route, then the proposal is contrary to criteria (d) of AMP 3 as amended at the end of PPS 21. The proposal is therefore contrary to OS 3.

The Planning Authority have considered whether OS 4 is a policy which this proposal should be assessed against and is of the opinion that this proposal is not an intensive sporting facility and therefore that OS 4 is not applicable.

Policy OS 5

On balance, despite the potential for noise disturbance, I do not consider the proposal to be a noise generating sports and outdoor recreational activity, having regard to the types of "noise generating" activities described in Policy OS 5. The uses described in Policy OS 5 are reflective of sports that rely on the use of motorised or other noise generating equipment, unlike football -which does not involve the use of any equipment like this.

Policy OS 7

There is potential for the development to have an unacceptable impact on the amenities of people living nearby, in particular in relation to the potential impact of the proposed flood lighting on the nearby residential amenity. The Planning Department have requested that this be fully address in a submitted lighting assessment detailing impact on the neighbouring properties. This has been received and consultation with Environmental Health has taken place. The submitted information has assessed the proposal in a worst-case scenario of E1. The submitted information demonstrates that the proposal meets the Guidance Notes for the Reduction of Obtrusive Light' for Pre and Post curfew for Environmental Zone E1 at the sensitive receptor locations, subject to a condition attached if permission is forthcoming restricting the hours of operation of the flood lights from 1800hrs to 2200hrs Monday to Sunday. The objectors in recent correspondence have highlighted that there would be up glow from the floodlights because of this proposal and point out that in the Institution of lighting professional guidance notes for the reduction in obtrusive light the standard for an E1 area should not exceed 0 Lux pre-curfew. In considering this objection I am mindful that within the Mourne's AONB there is substantial large urban areas which would all succeed this threshold. The policy of the AONB requires that the proposal respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape. This proposal for lighting will result in an

illumination of the sky or up glow within the AONB. However, there are large areas of the AONB which already experiences this within urban areas and indeed around other sports grounds within the Mourne's AONB. In these areas the recommended 0 Lux pre-curfew is not achieved. The Planning Department having considered all material considerations in this matter, including the characteristics of the AONB, and the existing light pollution of neighbouring street lights along the Drumsesk cottages and the A2 together with the overspill from two nearby urban areas, do not consider that the flood lighting of the pitch for specific times would have a detrimental impact on the character of the AONB. The recent objection letter also states that in the submitted lighting report that property 6 exceeds the recommended Lux levels. The planning Department are aware of this, however as this property does not have a residential use class, no determining weight has been attached to it as it would not adversely affect living or working amenity. The proposal therefore meets policy OS 7.

PPS 21. Policy CTY 13

I am concerned that, based on the information submitted, the development would appear as a prominent feature in the locality. The site would be unable to provide a suitable degree of enclosure for a development of this nature and the proposal could therefore not integrate satisfactorily with the surrounding area.

The proposal would, if permitted, rely upon new landscaping to achieve a satisfactory degree of integration, and significant ancillary works of a large meandering access road, with a access from the A2 cut through a roadside bank, Significant earth works and grading of land to create a flat pitch area, and a Club House building approximately 8.3m from FFL, together with the associated ball stop fences, flood lighting and large carparking areas, would in this case not integrate with the site's surroundings.

The proposal involves a significant proportion of engineering to manufacture a flat surface to accommodate the playing pitch and a level car parking area. This is fundamentally contrary to CTY 13 and to aiding the integration of the development within the rural area and indeed that of the AONB.

The design of the building is inappropriate to this site and in this locality, due to its design height, massing and siting, as it is located close to a listed building and also due to the AONB status and the site's open nature.

The proposal would fail to blend with the existing landform, and the existing vegetation is incapable of providing an acceptable backdrop. On balance, the proposal has failed to comply with criteria of Policy CTY 13.

Policies CTY 14 & CTY 8.

I consider that the proposal would appear unduly conspicuous in the landscape. The resultant development pattern would appear suburban, to the detriment of the character of the area by reasons of suburban development and a build-up of development, and the proposal does not respect the traditional pattern of settlement that is exhibited in this area. Ribbon development would be created along the laneway with the existing two sheds, together with No. 12 Drumsesk Road being read together with the proposed club room building and would harm and erode the rural environment unnecessarily. On balance, the proposal has failed to meet the requirements of Policy CTY 14 and that of CTY 8.

Policy BH 11 is relevant as this development has the potential to impact on the setting of nearby listed buildings. Historic Environment Division Historic Buildings Unit has indicated that Compliance with Policy BH 11 has not been demonstrated as they have several key concerns in relation to the proposal and its impact on the setting on several adjacent Listed Buildings, particularly Arnos Vale by reason of the overall scale of the development and the consequent impact on the wider landscape of this largely undeveloped rural area between Rostrevor and Warrenpoint. For example, a critical view from the Cloughmore Stone takes in a number of listed buildings including Arno's Vale, Rosetta, Drumsesk House and the Ross Monument. The proposal will radically change the character of this view; The proposed access road which run across lands directly in front of Arnos Vale, attendant traffic, noise and likely advertising and signposting; The height and density of the flood lighting – not only when the lights are on, but the impact of the standards; Fencing and netting arrangements would all have an unacceptable adverse impact on the setting of listed buildings listed above and in particular on the setting of Arno's Vale when viewed from the public roadside along the Warrenpoint Road, the Drumsesk Road and the private laneway which will have significant public use as a result of this proposal. The proposal is therefore contrary to BH 11 of PPS 6.

PPS 2 Planning and Nature Conservation

At the date of inspection, I did not detect any signs of wildlife or protected species in the site. Third parties have referred to them however, and NIEA Natural Heritage Division has stated that they do not believe that there will be any impact on wildlife or protected species. As discussed above the development will have an adverse impact on the integrity of the rural area and indeed that of the designated ANOB. This site will have a detrimental impact on the character of the AONB specifically due to the substantial cut and banking required to construct this proposal and the development and associated operational infrastructure of the ball stop nets, flood lighting, car parking, and the proposed access road and club house. These will all be prominent within the local rural area and will be detrimental to the character of the AONB and therefore contrary to NH 6 of PPS 2.

The proposal also includes the provision of sewage treatment by waste water treatment tank. The run of pipe is located within an area of the site which is prone to flooding and is proposed to discharge into a watercourse directly. This raises considerable concern about the possibility of contamination of ground water from the plant and indeed that contamination making its way into nearby watercourses and the Lough situated nearby which has several European designations within it. In recent letters objectors have raised concerns in relation to protected species such as otters which are situated downstream from this proposal towards the lough. Shared Environmental Services, who carry out the Council HRA, have not been able to complete a satisfactory HRA on this proposal. They advise that it cannot be concluded beyond scientific doubt that there won't be adverse impact as a result of this scheme being developed to the Carlingford Lough SPA, Marine proposed SPA and RAMSAR site, Carlingford Shore SAC and Carlingford Lough SPA (ROI). Given that the protection of designations and species the Planning Department must adopt a precautionary approach to considering the implications that this proposal may have. This proposal is therefore contrary to Policies NH 1, NH 2 and NH 5 of PPS 2 in that the proposal may have an adverse impact on the integrity of European Conservation sites and species within the nearby watercourses and Carlingford Lough.

Given that Council cannot ensure that the integrity of these European sites can be protected by condition it is our considered opinion that the proposal cannot meet the requirements of Regulation 43 of The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as Amended 2015).

PPS 3 Access, Movement and Parking

Roads Service has replied to the consultation stated that while it has no objection to the design and layout of the access, that the principle of it must be assessed against AMP 3. The proposal utilises a new access onto the A2 and does not meet the policy requirements for "other development" i.e. outdoor recreational development. Therefore, the proposal is contrary to AMP 3.

As the proposal does not meet OS 3 and CTY 1 for development in the countryside the proposal cannot meet one of the exceptions listed in the amended AMP 3 policy. The proposal also does not propose using an existing access or access onto a side road onto a protected route. This proposal involves the creation of a new access onto the protected route and the proposal is contrary to AMP 3 of PPS 3 as amended.

PPS 15 Flood Risk FLD 1, FLD 3 & FLD 4

The southern boundary of the field is located within the Q100 flood plain and a significant portion of the southern and eastern boundaries are within a surface flooding zoning. At this section of the site there is a grassed area together with the access road into the development and part of the car parking proposed. This is obviously substituting suitable agricultural soil moisture storage for a hard-surfaced area which can increase the changes of flooding elsewhere. As the Red Line of the development site contains land which is within the Q100 flood plain the proposal must be assessed against FLD 1. The proposal is for a sport and recreational ground this proposal would meet the exception criteria (f) within FLD 1 provided that it is accompanied by a flood risk assessment which demonstrates that the proposal will not result in increased flooding in other areas. The Flood Risk Assessment and Drainage Assessment has been submitted in 2015 with the application and Rivers Agency has responded to a consultation on this. Rivers Agency as statutory consultees has advised that the content is acceptable subject to the applicant providing the applicant renews a previously approved schedule 6 agreement. This can be negatively conditioned to be submitted if approval were forthcoming. The Planning Department have re-consulted Rivers Agency in light of the amended scheme with revised waste water treatment facilities. Rivers Agency confirm that they are satisfied that the FRA remains valid and they are satisfied with the findings of the FRA and DA submitted. Rivers Agency have advised that the storage attenuation cells to be developed within the car park will leave the site having a greenfield run off rate. Therefore, the criteria for FLD 1 and FLD 3 are met.

There is proposed culverting to pipe an existing unnamed drain along the southern boundary to allow the access road to be constructed. This meets the policy requirements of FLD 4.

CTY 16 of PPS 21 assesses the disposal of sewage in development schemes in the Countryside. Given that the suggested disposal method here is a waste water treatment tank and the discharge pipe has been located in the area of the site which has been identified as known to flood and hold surface water and discharge directly into a watercourse known to flood, the Planning Authority does not envisage that this sewage disposal scheme is viable

and would therefore not be content to negatively condition it. The proposal is therefore contrary to CTY 16 also.

Recommendation:

Therefore, having considered the proposal against all the prevailing planning policies the Planning Department have concluded that the proposal is contrary to the following Planning Policies and refusal reasons detailed below.

Refusal Reason:

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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed development is a prominent feature in the landscape; it is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; it relies primarily on the use of new landscaping for integration; ancillary works do not integrate with their surroundings; the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the development would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character, and it would therefore result in a detrimental change to the rural character of the countryside.
4. The proposed development is contrary to Policy OS 3 of the Department's Planning Policy Statement 8 Open Space, Sport and Outdoor recreation, in that it has not been demonstrated that there will be no adverse impact on the natural and built heritage of this area, the proposal will have an adverse impact on the visual amenity of the area, the development will not integrate adequately with its surroundings and as the road network cannot safely handle the additional traffic that is likely to be attracted to the premises.
5. The proposal is contrary to Policy BH 11 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that it has not been demonstrated that the development will not have an adverse impact on the setting of a nearby listed building.
6. The proposed development is contrary to Policy AMP 3 of the Department's Planning Policy Statement 3 Access, Movement and Parking (as amended), and associated guidance, in that it would result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general road safety.

7. 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 private laneway off the Drumsesk Road.
8. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 6 in that the site lies within the Mourne AONB a designated site of local and national importance and would, if permitted, adversely affect the setting and integrity of the area by reason of integration and visual amenity.
9. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 1 and NH 5 in that the proposal if permitted, may adversely affect the features and integrity of the Carlingford Lough SPA, Marine proposed SPA and RAMSAR site, Carlingford Shore SAC and Carlingford Lough SPA (ROI) due to ground water pollution and contamination.
10. The proposal is contrary to Policy CTY16 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not submitted sufficient information on the means of sewerage to properly consider the impact of the development in terms of pollution.
11. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 2 in that the proposal if permitted, may adversely affect the features and integrity of habitats of protected species.

Case Officer: J McParland

Date: 01/12/2020

Authorised Officer: Pat Rooney

Date: 01/12/2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0189/F.

Date Received: 15 March 2013.

Proposal: Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works.

Location: 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG

Addendum to Case Officer Report

- 1.0.** This application was brought to the Planning Committee on Wednesday 16 December 2020 with an opinion to refuse for the reasons outlined in the Case Officer's Report.
- 2.0.** The Planning Department reported to the Planning Committee that the proposal is based on the provision of sewage treatment by means of a waste water treatment tank. This gave rise to concerns about the possibility of contamination of ground water, nearby watercourses and the Lough situated nearby, which has several European designations within it. In recent letters, objectors have raised concerns in relation to protected species such as otters which are situated downstream from this proposal towards the lough.

- 2.1.** The Planning Department also reported to the Planning Committee that Shared Environmental Services (SES) had not been able to complete a satisfactory HRA on this proposal. This was due to the level of details available and the fact that NIEA had not provided its final comments on the merits and acceptability of the proposed method of sewage disposal. In light of this and the precautionary approach the Planning Department reported that the proposal is contrary to Policies NH 1, NH 2 and NH 5 of PPS 2 in that the proposal may have an adverse impact on the integrity of European Conservation sites and species within the nearby watercourses and Carlingford Lough. It also considered, based on the level of details provided, that the proposal would be contrary to CTY 16 of PPS 16 which deals with the disposal of sewage in the countryside.
- 3.0.** The Planning Committee voted to hold a site meeting to view the site and, in the interim, to allow the agent to submit an engineering solution to address SES concerns.
- 4.0.** Following the Planning Committee Meeting, the applicant submitted further details on the alternative means of sewage treatment on 23 February 2021, which were uploaded onto the planning portal.
- 5.0.** NIEA Natural Environment Division confirmed no objections, on 15 March 2021, to the proposed Treatment Plant in terms of impact on designated sites and other natural heritage interests. In a subsequent response to the Planning Department it confirmed that its previous response, on 15 March 2021, related only to the issues raised in a previous letter of objection dated 23 November 2020 and did not include the views of Water Management Unit on the revised details received from the applicant and posted on the portal. A further formal consultation to Water Management Unit issued on 19 April 2021.
- 6.0.** The Planning Department received 2 further letters of objection from the one address on 5 March 2021. These were repeats of letters previously received and referred to the the Case Officer's Report. These had been fully considered as part of the Planning Department's assessment of this application.

- 7.0.** The site visit, by members of the Planning Committee, took place on Friday 5 March 2021. The application is now returned to Committee following that site visit.
- 8.0.** The Planning Department awaits a response to its formal consultation issued to Water Management Unit. This is anticipated shortly and ahead of the date of the next Planning Committee. The Planning Department will provide details of that response to the Committee, when received, together with the views of Shared Environmental Services, the statutory body which carries out a Habitats Regulation Assessment (HRA) on behalf of the Council to establish the likely impacts of a proposal on designated sites.
- 9.0.** This addendum note should be read in conjunction with the Case Officer's Report previously provided to the Planning Committee.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0189/F.

Date Received: 15 March 2013.

Proposal: Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works.

Location: 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG

2nd Addendum to Case Officer Report

- 1.0.** This application was brought to the Planning Committee on Wednesday 16 December 2020 with an opinion to refuse for the reasons outlined in the Case Officer's Report.
- 2.0.** The Planning Department reported to the Planning Committee that the proposal is based on the provision of sewage treatment by means of a waste water treatment tank. This gave rise to concerns about the possibility of contamination of ground water, nearby watercourses and the Lough situated nearby, which has several European designations within it. In recent letters, objectors had raised concerns in relation to protected species such as otters which are situated downstream from this proposal towards the lough.
- 2.1.** The Planning Department also reported to the Planning Committee that

Shared Environmental Services (SES) had not been able to complete a satisfactory HRA on this proposal. This was due to the level of details available and the fact that NIEA had not provided its final comments on the merits and acceptability of the proposed method of sewage disposal. In light of this and the precautionary approach the Planning Department reported that the proposal is contrary to Policies NH 1, NH 2 and NH 5 of PPS 2 in that the proposal may have an adverse impact on the integrity of European Conservation sites and species within the nearby watercourses and Carlingford Lough. It also considered, based on the level of details provided, that the proposal would be contrary to CTY 16 of PPS 16 which deals with the disposal of sewage in the countryside.

- 3.0.** The Planning Committee voted to hold a site meeting to view the site and in the interim, to allow the agent to submit an engineering solution to address SES concerns.
- 4.0.** Following the Planning Committee Meeting, the applicant submitted further details on the alternative means of sewage treatment on 23 February 2021, which were uploaded onto the planning portal.
- 5.0.** NIEA Natural Environment Division confirmed no objections, on 15 March 2021, to the proposed Treatment Plant in terms of impact on designated sites and other natural heritage interests. In a subsequent response to the Planning Department it confirmed that its previous response, on 15 March 2021, related only to the issues raised in a previous letter of objection dated 23 November 2020 and did not include the views of Water Management Unit on the revised details received from the applicant and posted on the portal. A further formal consultation to NIEA Water Management Unit issued on 19 April 2021.
- 6.0.** The Planning Department received 2 further letters of objection from the one address on 5 March 2021. These were repeats of letters previously received and referred to the the Case Officer's Report. These had been fully considered as part of the Planning Department's assessment of this application.
- 7.0.** The site visit, by members of the Planning Committee, took place on Friday 5 March 2021. The application was then placed on the agenda for the Commttee meeting on

Wednesday 5 May 2021 on the basis that the Planning Department would provide details of the statutory response from Water Management Unit and SES if and when available. Those responses had not been received at the time of the meeting and the item was removed from the Agenda by the Planning Department ahead of the Committee meeting.

- 8.0.** The Planning Department subsequently received a formal response from Water Management Unit on 5 May 2021. In its response, Water Management Unit confirmed that a discharge consent application has been received for this site and that this is currently still being processed. Consent to Discharge was subsequently granted on 11 May 2021.
- 9.0.** A formal consultation response was then received from Shared Environmental Services (SES) on 13 May 2021 and uploaded onto the planning portal. It confirmed that following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to the submission of a Construction Environmental Management Plan for approval by Council prior to any works commencing.
- 10.0.** The Planning Department has amended the case officer report in the light of the above. As a result, refusal reasons Nos 9, 10 and 11, as provided in the previous case officer report, no longer apply and have been removed.
- 11.0.** It is noted that the revised layout, submitted by the applicant on 23 February 2021, proposes a reduction in the number of car parking spaces from 103 spaces to 91 spaces, including 3 coach spaces. This issue had been raised on behalf of the objectors ahead of the Committee meeting on 5 May and it was suggested that DFI Roads should be consulted on the revised layout. In the light of this a further consultation was issued to Roads.

- 11.1.** The level of car parking to be provided is a matter for the planning authority to consider as part of its assessment of the application. Based on the published recommended parking standards of 1 space per 3 spectators; 1 space per 3 players; 1 coach space for 4 pitches, minimum of 2 per pitch; and 1 space per 3 staff, it is estimated that there would be a requirement for 70 spaces per match. This is based on 150 spectators (50 spaces); 42 players (14 spaces); and 7 officials (3 spaces) and 10 officers (3 Spaces). The Planning Department considered that the provision of 103 spaces was sufficient to cater for the proposed development and in line with published car parking standards. The Planning Department remains of the opinion that the revised provision of 91 spaces, including 3 coach spaces, is also sufficient.

DfI Roads did not raise car parking as an issue in its consultation responses. In its response, received on 18 May 2021, DfI Roads has confirmed no objections to the latest proposal and that its previous conditions are still applicable.

- 12.0.** This addendum note should be read in conjunction with the Case Officer's Report previously provided to the Planning Committee.

13.0. Recommendation:

- 13.1.** Having considered the proposal against all the prevailing planning policies the Planning Department has concluded that the proposal is contrary to the following Planning Policies for the refusal reasons detailed below.

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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed development is a prominent feature in the landscape; it is unable to provide

a suitable degree of enclosure for the building to integrate into the landscape; it relies primarily on the use of new landscaping for integration; ancillary works do not integrate with their surroundings; the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the development would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character, and it would therefore result in a detrimental change to the rural character of the countryside.
4. The proposed development is contrary to Policy OS 3 of the Department's Planning Policy Statement 8 Open Space, Sport and Outdoor recreation, in that it has not been demonstrated that there will be no adverse impact on the natural and built heritage of this area; the proposal will have an adverse impact on the visual amenity of the area; the development will not integrate adequately with its surroundings and the road network can safely handle the additional traffic that is likely to be attracted to the premises.
5. The proposal is contrary to Policy BH 11 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that it has not been demonstrated that the development will not have an adverse impact on the setting of a nearby listed building.
6. The proposed development is contrary to Policy AMP 3 of the Department's Planning Policy Statement 3 Access, Movement and Parking (as amended), and associated guidance, in that it would result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general road safety.

7. 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 private laneway off the Drumsesk Road.

8. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 6 in that the site lies within the Mourne AONB a designated site of local and national importance and would, if permitted, adversely affect the setting and integrity of the area by reason of integration and visual amenity.

Case Officer Signature:
Date: 07 07 2021
Appointed Officer Signature:
Date: 07 07 2021



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

Application Reference: LA07/2019/1375/F

Date Received: 16th September 2019

Proposal: Erection of 2 Dwellings

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

Site Characteristics & Area Characteristics:



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

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

Site History:

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

Planning Policies & Material Considerations:

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

The application was advertised in the local press on 02.10.2019

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

Consultations:

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

Objections & Representations

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

Consideration and Assessment:

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

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

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 8 of PPS 21.

Policy CTY 8

CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an

otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.

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

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



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

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

CTY 13

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

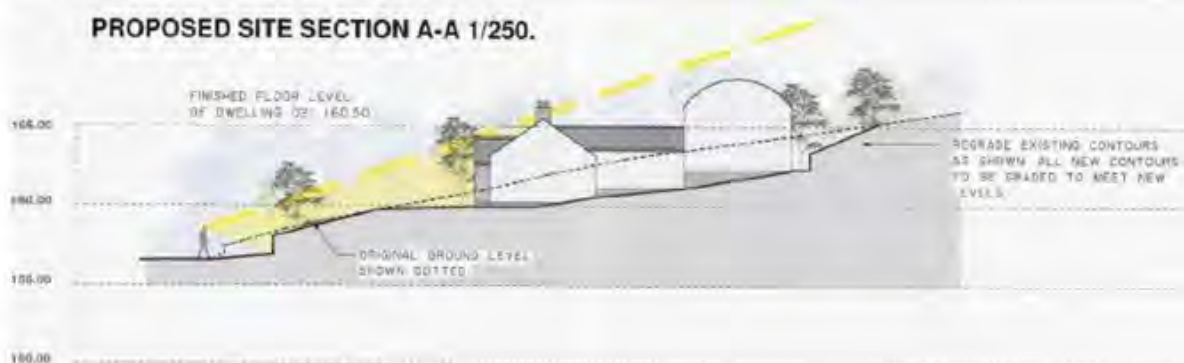
A new building will be unacceptable where:

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

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

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

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



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

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



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

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

PPS3

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

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

Category A is applicable.

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

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

Conclusion

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

Drawings

The Drawings considered as part of this assessment are as follows

P01, SV01, P02c, P03a

Recommendation: REFUSAL

Reasons:

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

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

Case Officer: Claire Cooney

Date 24.02.2021

Authorised Officer: Annette McAlarney

Date: 24 February 2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1792/F

Date Received: 03.12.2020

Proposal: The application is a full application for a dwelling and garage on a farm.

Location: 75m South of 15 Sheepland Road, Ardglass.



Site Characteristics & Area Characteristics:

The site in question is part of a larger flat agricultural field which sits adjacent to existing dwellings and out buildings. The field is a flat field in close proximity to the coastline and as a result of the location there is limited planted boundaries to the site. There is a mature planted boundary to the roadside boundary of the field the site is carved out from. The site is accessed via an existing lane entrance that is proposed to branch off to access the proposed site.

The site is located off the Sheepland Road outside Ardglass and is not within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is also located

within the Strangford and Lecale Area of Outstanding Natural Beauty. The site is in relatively close proximity to Ardglass (Ardtole) waste water treatment works.

Site History:

R/2009/0594/F – 40m South of 15 Sheepland Road, Ardglass, Downpatrick, dwelling and garage on a farm for applicant's son, granted, 26.11.2009.

Planning Policies & Material Considerations:

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

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 1 Development in the Countryside
 - Policy CTY 10 Dwellings on Farms
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

Consultations:

DFI Roads was consulted on the application and have responded with no objections.

NI Water was also consulted and has responded with no objectives.

DAERA was consulted in relation to the application and has responded stating that the farm business has been active and established for at least a period of 6 years and the farm business is a category 1 farm business which has made claims in the last 6 years.

Informal consultation was carried out with SES due to the proximity of the site to the coast and the potential of a link to Killough Bay RAMSAR and SPA however SES are content with the application and require no further consultation.

Objections & Representations

In line with statutory requirements the application was advertised in the local press on 23.12.2020 which expired on 06.01.2021. 2 neighbour notifications issued on 06.01.2021 which expired on 20.01.2021 to date no representations have been received in relation to the application.

Consideration and Assessment

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. One such instance is a dwelling on a farm in accordance with Policy CTY 10 of PPS 21.

Policy CTY 10 Dwellings on Farms states that planning permission will be granted for a dwelling house on a farm where all of the criteria set out can be met.

A) The farm business is currently active and has been established for at least 6 years.

The best way to determine if the farm business is active and has been established for the last 6 years is through consultation with DAERA. They were consulted and responded stating that the farm business has been in existence for at least the last 6 years which demonstrates that the business is established. DAERA also responded stating that the farm business had made claims either through the basic payment scheme or agri environment scheme in **each** of the last 6 years therefore demonstrating that the business has been active for the last 6 years.

Given the DAERA response and also taking into consideration the condition of the land it is considered that this aspect of policy has been met.

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.

The farm is an extremely small holding noted as being 7.84ha on the farm map dated 23.01.2020. A history search has been carried out on the lands associated with the farm business and there is no other relevant site history than that contained above. The only other permission relevant is R/2009/0594/F which was approved on 26.11.2009 and on the day of the site inspection it was identified that the occupant was in fact the son and family of the applicant as indicated on the P1C form. The transferring of a site to another family member is considered as being sold off, the policy does however stipulate that only dwellings or opportunities sold off within the last 10 years from the date of the application would be applicable. Given that the previous approval was full permission granted on 26.11.2009 and records show was transferred on 4th February 2010 it would not be considered to have been 'sold off' within the last 10 years and therefore the business would be eligible for another dwelling under this policy.

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.

The site is located adjacent to the previously approved dwelling approved under R/2009/0594/F, registered as 13 Sheepland Road. Land registry checks were carried out into the ownership of the dwelling. The land registry checks confirmed that the dwelling is not part of the lands comprised in the farm holding. The owners of the dwelling are not formal members of the farm business either.

Therefore this site does not cluster with buildings on the farm and this section of policy has not been met.



View of the site from the Sheepland Road

The application is also considered against 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. Permission will be unacceptable where:

a) It is a prominent feature in the landscape.

The dwelling proposed is sited adjacent to no 13 Sheepland Road.

The dwelling itself is located on flat lands and is set back from the road and in line with existing buildings (This aspect will be covered later in the report under CTY 14). There is little screening to the site. Given the proposed design and height of the dwelling it is not considered that the dwelling and garage would be a prominent feature in the landscape.

(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.

The site is located in close proximity to the coastline and therefore planting and screening becomes somewhat more difficult. That said this site is located adjacent to existing development that has poor boundaries and the only other boundary capable of being utilised for integration is the rear boundary, all other boundaries will be required to be defined in order

to allow the works to integrate successfully. The site is cut out of a larger agricultural field and will require definition of the majority of boundaries to achieve integration.



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

The site is to be accessed via an existing lane that branches off to serve the proposed dwelling. The dwelling will use an existing point of access onto the existing road. It is not considered that there will be any detrimental impacts as a result of ancillary works to serve the proposed dwelling, a garage is proposed but it is proposed to be set back from the main dwelling and will not have any detrimental impacts. It is considered that ancillary works will integrate into the surroundings.

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

The design of the building is almost identical to the existing dwelling adjacent, the proposed building is considered to be of a scale and design that is suitable for the site and also for the locality. The design is in keeping with the surrounding architectural styles and respects the designs found in the area and in rural areas in general. The dwelling is suitable for the site which is relatively flat and is in close proximity to the coast. The dwelling proposed can be accommodated on the site and will not detract from the character or appearance of the area. the proposal can be absorbed into the local landscape adequately.

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

The landform of the site is relatively flat and while there is limited planting in the vicinity due to the nature of the land it is considered there is suitable screening from the main public view points due to the good boundary hedging and the site is suitably set back from the road. The existing landform of the site can accommodate the dwelling given the scale and size of the dwelling. The dwelling is proposed to sit in close proximity to the coastline and it is not

considered there will be any detrimental impacts as a result of the proposal on the coastline or the overall character and appearance of the area. The lack of planting and natural screenings has been addressed previously within this report under parts B and C.

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

As discussed previously the site is not sited with an established group of buildings on the farm and will lead to a linear form of development, Ribbon development, along this stretch of the Sheepland Road. This element of policy is not met.

The application 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.

The proposal meets with all aspects of policy CTY 14 except for parts B and D.

Part B of CTY 14 states that a building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings. When considered against the existing development it is considered that the dwelling and garage and its cumulative impact would result in a suburban style build-up of development and would be detrimental to the rural character of this scenic and open landscape.

Part D of CTY 14 states that a building would be unacceptable where it creates or adds to a ribbon of development. It is considered that this dwelling would result in the creation of ribbon development along this section of the Sheepland Road as there would be no 15 Sheepland Road, no 13 Sheepland Road and this proposed dwelling would be the 3rd unit and the creation of the ribbon of development.

On this basis the proposal does not meet with the requirements of CTY 14 and given that the dwelling has not clustered with buildings on the farm and there are other more suitable sites present this aspect of policy cannot be set aside.

Recommendation:

Refusal

Reasons for refusal:

1. The proposal is contrary to SPPS and Policies CTY1, CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration.
2. The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would create or a ribbon of development along Sheepland Road resulting in a detrimental change to the rural character of the countryside.

Case Officer:	Fionnuala Murray
Appointed Officer:	Annette McAlarney
Date:	09 April 2021



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**Newry, Mourne
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District Council

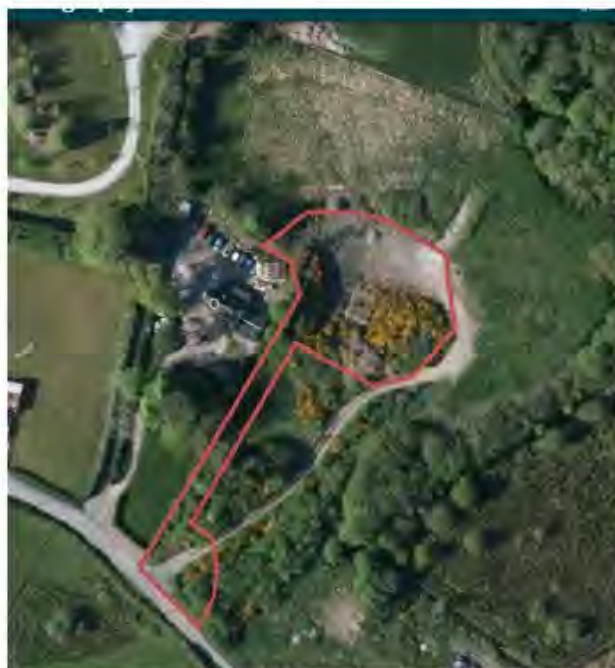
Application Reference: LA07/2020/0299/F

Date Received: 26.02.2020.

Proposal: Single storey dwelling

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

Site Characteristics & Area Characteristics:



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

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

Site History:

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

Planning Policies & Material Considerations:

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

Consultations:

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

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

Objections & Representations

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

Consideration and Assessment:

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

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

Principle of Development

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

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

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

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



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

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



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

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

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

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

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

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

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

Recommendation:
Refusal

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

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



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**Newry, Mourne
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District Council

Application Reference: LA07/2020/0299/F

Date Received: 26.02.2020.

Proposal: Single storey dwelling

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

Addendum to Case Officers Report

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

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

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

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

Within the Planning Statement the agent outlined the following points:

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



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

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

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

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

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



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**Newry, Mourne
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District Council

Application Reference: LA07/2020/1519/RM

Date Received: 22.10.2020

Proposal: Replacement dwelling

Location: 151 Castlewellan Road, Dromara

Site Characteristics & Area Characteristics:



The application site is occupied by a two storey, detached dwelling and comprises of the dwelling's immediate curtilage and part of a larger agricultural field. The site has a roadside frontage onto the Castlewellan Road. Part of this frontage has been cleared providing access to the dwelling while the remainder is defined by a low block wall and timber post and wire fence. The north western boundary of the site adjoins a lane and is defined by agricultural gates and timber post and wire fencing. There is no defined rear (south western) boundary given the site has been cut from an agricultural field. The site adjoins an undefined water course to the south east and a detached two storey dwelling (No. 153) is beyond this.

Mature trees are evident to the rear and side (south east) of the dwelling within the application site. Levels within the site rise as you move from north east to south west.

The area surrounding the site is rural in character and development mainly comprises of single dwellings with associated outbuildings. The site lies within an Area of Outstanding Natural Beauty (AONB) and is not within any settlement development limits as defined in the Ards and Down Area Plan 2015.

Site History:

- Q/2007/0461/F, 151 Castlewellan Road, Dromara, Replacement dwelling and garage, PERMISSION GRANTED
- LA07/2019/1821/O, 151 Castlewellan Road, Replacement Dwelling, Permission Granted

Planning Policies & Material Considerations:

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

Consultations:

There was one consultation issued for this proposal. See details below.

- The Department for Infrastructure Roads (DFI Roads), following receipt of amended drawings, DFI Roads advised of no objections subject to compliance with conditions. (01/01/2021).

Objections & Representations

There were two neighbour notifications issued for this application. The proposal was advertised in the local press on 18/11/2020. There were no representations received.

Consideration and Assessment:

The principle of development was established under the previous Outline approval LA07/2019/1821/O. As the application for Reserved Matters has been received within the requisite 3 years and is in compliance with all the conditions imposed, the Council is satisfied that the principle of development is established on the application site. Given the principle of a replacement dwelling is established, the primary assessment is whether the proposed development complies with the outline conditions and whether the details of the dwelling proposed are acceptable in this site-specific context in addition to road safety considerations. Consideration must however be given to all other aspects of the proposal including the design and layout of the proposal. The respective outline approval (LA07/2019/1821/O) has conditions

attached in relation to; demolition, siting, curtilage, under-build, levels, maintained working strip, access, landscaping and drainage, which are considered below:

Siting

The proposed dwelling is sited towards the front of the site and in general accordance with other built development. The proposed curtilage is within the yellow shading as indicated by the outline approval.

Design and Integration

The proposal is for a two-storey dwelling with a two-storey front porch and a single storey rear return. With the exception of the two-storey porch, the front elevation of the property is traditional in its design and appearance with a good solid to void ratio and external finishes in keeping with the rural character. *Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside* outlines that two-storey porches and chimney breasts protruding from the gable wall are not elements prevalent of rural form and should be avoided in countryside locations. The design of the building is considered inappropriate for the site and its locality and is therefore considered contrary to CTY13.

The proposed dwellings ridge is 10m in height from GFL. Policy CTY 3 requires that *"The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building"*. The dwelling to be replaced is a modest two storey dwelling. It is considered that the proposal is of a substantial size that will have a visual impact significantly greater than the existing building. The application site forms an elevated road side plot with minimal vegetation meaning there is no natural screening of the site for integration. Critical Views of the application site would be from both the Castlewellan Road and the Drumboy Road. On approach to the site along the Castlewellan Road the proposal would become increasingly more pronounced and prominent in the landscape given its overall scale. The lack of screening and enclosure would emphasise the scale and mass of the proposal and its visual impact would be significantly greater than the existing building.

It should be noted, that correspondence with the agent dated 23rd November 2020 outlined concerns with the proposal in that it failed to comply with Policy CTY 3 and that the proposed design was not considered acceptable in the rural context. The correspondence outlined the following.

- A dwelling measuring 10 metres in height will not be supported on this site. The ridge height of the dwelling should be reduced to a maximum height of 8 metres from ground floor level.
- The two-storey front porch should be reduced to single storey.
- The chimney breast should not project from the gable wall, it should be internalised.

The agent / applicant was given three weeks to respond to this. Examples of other dwellings with two storey porches were submitted to the Planning Department for consideration. Upon checking these examples none were in the immediate context of the application site and therefore not considered relevant. Further, the two dwellings identified with two storey porches were approved under planning policy preceding the current Planning Policy Statement 21 – Sustainable Development in the

Countryside and the Building on Tradition Design Guide. The applicant advised the case officer that he wished to proceed with the scheme without making any amendments.

Layout

The proposed dwelling will be positioned towards the front of the site with amenity space surrounding the dwelling. The proposed layout includes a driveway and parking to the front and side of the dwelling. The proposed layout is considered acceptable.

Access

DFI Roads requested amendments to the proposal, including an accurate 1:500 scale plan showing access laid out in accordance with Diagram 1 of RS1 form issued under LA07/2019/1821/O, with adequate turning and parking to be shown within site. Further, the Septic tank was to be moved further from public road with soakaways draining away from public road. Amended drawings were received on the 16th December 2020. DFI Roads were content with the amendments made and offered no objections to the proposal subject to conditions being met.

Landscaping

The layout submitted includes details of landscaping, the drawing indicates the retention of existing trees with new vegetation proposed along the sites boundaries and new trees within the sites south western corner. The layout indicates a post and wire fence with planting inside along new boundaries of the site.

It is considered that a sufficient working strip to facilitate maintenance to the undesignated watercourse along the sites south eastern boundary is available.

Recommendation:

Refusal

Case Officer:	Laura O'Hare
Date:	10.03.2021
Appointed Officer :	Annette McAlarney
Date:	10 March 2021

Refusal Reasons:

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
2. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design

of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

Informative

1. This decision relates to the proposal as indicated by drawing no's. 22301SW, Sheet 1, Sheet 2 and Sheet 04 REV A



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**Newry, Mourne
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District Council

Application Reference: LA07/2019/1808/F

Date Received: 12-12-2019

Proposal: 4 No full size GAA pitches (3 of which are floodlit), spectator seating, multi-use games area (MUGA), changing rooms, fitness studio and ancillary offices, car and bus parking, pedestrian access from Marian Park, new access arrangements, relocation of traffic calming feature on Commons Road, landscaping and associated site works. Road junction improvements of Commons Road / Tyrella Road junction and improvement works to include carriageway widening, a ghost island right turn provision with associated visibility splays, drainage, embankment re-gradation and associated road works (Amended Description)

Location: Ballykinler GAC Commons Road Ballykinler



Site Characteristics & Area Characteristics:

The site is located to the east of Ballykinlar, a village located 12km south-west of Downpatrick and 50km south of Belfast. It is comprised in part of the existing grounds within Ballykinlar GAA and adjacent agricultural land to the east, owned by the Ministry of Defence. The site is bounded by Commons Road to the north and Sand Lane to the south.

Proposed development

The application is seeking full planning permission for the re-development of the existing training complex to provide a new Down GAA Centre of Participation. The proposal consists of the following; refurbishment and extension of the existing pavilion, construction of new two storey building which

will contain a covered spectator stance, office space, museum, canteen and player facilities, multi-use games area building, relocation of existing grass playing field, 3 new full size grass floodlit playing fields with associated fencing and dug-outs, floodlighting to 3 of the external playing fields, ticket booth and shop, car parking and road works / improvements.

The pavilion will be extended to the side and rear to provide a reception / lobby and storage area on the ground floor, along with an entirely new first floor providing gym space / changing facilities etc. The new complex building will be located south of the existing pavilion and will have a maximum height of 7.3m and a total length of approx. 68m. it will be finished with grey brick / concrete and timber where shown, trical roof, aluminium windows and glazed timber doors. The ball stop fences will be 16m by 30m and will be located at the western and eastern ends of the existing and proposed pitches. 6 new floodlighting columns at 21m high will be positioned around the perimeter of the existing pitch, while 4No. 24m high columns will be positioned around the new pitch south of the existing pavilion / complex building structure and 6 columns at 24m in height will be located around the new pitch to the south-eastern corner of the site. The new dugouts and turnstills are of typical design. A small shop is proposed at 10.4m x 3.8m.

Drawings

PL-01-B, PL-02-A, PL-04-B, 05, 06, 08, 09, 10, 11, 12, 13, 14, PL-16, PL-17, D-1001-REC P01, D-1003-REV P01, D-1004 REV P01, D-1005- REV P01, D-1006-REV P01, D-1007- REV P01, D-1008 REV P01, D-1009 REV P01, D-1010 REV P01, DL-04-C SHEET 1 & 2, C101-340-03 REV E, 5197949-ATK-ZZ-DR-D-101 Rev P01, 5197949-ATK-ZZ-DR-D-1007 Rev P01, 5197949-ATK-ZZ-DR-D-1011 Rev P01, 5197949-ATK-ZZ-DR-D-1008 Rev P01 and PSD Drawings (to be submitted and cleared by DFI Roads).

Additional / Supporting Information

- PACC Report
- Design and Access Statement
- Landscape & visual Assessment
- Ecological appraisal
- Floodlighting assessment
- Archaeological Assessment
- Drainage Assessment
- Event management plan
- HRA
- Preliminary Risk Assessment
- Transport Assessment
- Lighting report
- Bat & lighting Report
- Breeding Bird Survey

Consultations

NIEA Water Management Unit and Inland Fisheries : Water Management Unit is content, subject to: The applicant referring and adhering to standing advice, Any required statutory permissions being obtained.

NIEA Regulation Unit - The Land & Groundwater Team would have no objections to the development provided Conditions & Informatives are placed on any Decision Notice, as recommended.

NIEA Natural Environment Division - NED has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns.

DfI Rivers – DfI Rivers have considered the impact of the proposal and have no objections

Environmental Health (NMDDC) - Environmental Health notes the revised lighting design reports received on the planning portal on 19 February 2021 and 3 March 2021 and have no objections subject to conditions

Shared Environmental Services (SES) – SES have considered the impact of the proposal and advise provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

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

DfI Roads – DfI Roads has considered the impacts of the proposal and are generally content subject to approval of Private Street Determination (PSD) Drawings

Planning (Development Management) Regulations (Northern Ireland) 2015.

The application exceeds the thresholds for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015.

On this basis the applicant must engage in pre-application community consultation (PACC) and that prior to submission of the application the applicant must give a 'Proposal of Application Notice' (PAN) to the council at least 12 weeks before the application is submitted.

When submitted the application was supported by a PACC Report outlining how the process has met the legislative requirements.

EIA Determination

The proposed development falls most comfortably within Category 10 Schedule II Development as contained in The Planning (Environmental Impact Assessment) Regulations (NI) 2017. The Council has undertaken a screening exercise under Schedule II and Schedule III and has screened out the development for Likely Significant Impacts and considers that the development does not represent EIA development.

Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended).

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 (SES) 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 further information and drawings supplied with the 09/03/2021 re-consultation, SES has concluded that additional road widening works planned will not materially change the conclusions of the HRA completed 05/05/2020. The additional work area proposed has no environmental link to any European Site.

The updated assessment concludes that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Representations

Objections to the proposal have been received from

- 2 Tyrella View
- 109b Commons Road
- 28 Sand Lane

The issues raised by objectors relate mainly to the proposed floodlighting and its impact on their residential properties, noise pollution, traffic, loss of privacy, potential for increased anti-social behaviour, loss of public right of way and landscaping.

There is no doubt that approval of this development will result a change to the outlook and surroundings of neighbouring properties.

The issues relating to floodlighting, traffic, noise and landscaping are addressed in the assessment of the proposal below.

With regards to loss of privacy raised by 109b Commons Road, it is considered that the buildings and spectator areas within this development are sufficiently separated from this residential property not to cause loss of privacy.

With regards to impact on the public right of way raised by 28 Sand Lane, the supporting documents state that a permissible pathway runs through the site which is used by pedestrians to access the beach to the south. This pathway is open subject to Military requirements. This pathway is not a right of way.

Site History:

LA07/2019/1349/PAN - Ballykinlar GAA, Commons Road, Ballykinlar - PAD for the development of a Down GAA Centre of excellence to include 4 full size GAA pitches, spectator seating, multi-use gym area (MUGA), changing rooms, fitness studio and ancillary offices, car parking, new access arrangements and associated site works.

LA07/2020/0038/F - 28 Sand Lane, Ballykinlar, Downpatrick - Extension and renovation of existing dwelling and new detached garage, including alterations to previous approval LA07/2016/1278/F - PERMISSION GRANTED - 30.06.2020

Planning Policies & Material Considerations:

Assessment against Development Plan

The Ards and Down Area Plan (ADAP) 2015 is considered as the local development plan. The site occupies land both within and outside the settlement limit of Ballykinlar. The land within the settlement limit has been designated as existing and proposed amenity open space and recreation.

There is no specific policy in the plan that is material to this proposal. There is no conflict with the policies within the Plan.

Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development.

The policy provisions of PPS 2, 3, 6, 8, 15 and 21 are retained and will continue to be treated as a material consideration.

PPS 8 – Open Space, Sport and Outdoor Recreation

Policy OS1 protects open space and development that would result in the loss of existing open space or land zoned for the provision of open space, will not be permitted. The proposed use is sporting and recreational and therefore there is no conflict with OS 1.

Policy OS 3 – Outdoor Recreation in the Countryside is material to the assessment of the proposal due to the eastern portion of the site being located outside the development limit. OS 3 states that proposals will be permitted in the countryside where all the following criteria are met

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced, and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

In assessment of these it is noted that Shared Environment Services (SES) Natural Environment Division (NED) and Historic Environment Division (HED) has raised no objections to the proposals impact on nature conservation or archaeology.

It is considered that there is no permanent loss of the best and most versatile agricultural land no unacceptable impact on nearby agricultural activities is likely to occur.

The proposal will occupy and extend an existing sporting facility, the Planning Authority in assessment of all the supporting information do not consider the proposal will adversely impact on the visual

amenity or character of the local landscape given the existing context. It is considered the development can be absorbed by the landscape.

A thorough assessment of the impact the proposal may have on neighbours of the site has been carried out with Environmental Health considering in particular the impact of lighting and noise. It has been concluded that there would be no unacceptable impact on the amenity of people living nearby.

Public safety, particularly in terms of traffic has been carefully considered and it has been concluded that it would not be prejudiced.

The ancillary buildings proposed are considered to be of an appropriate design and scale. Most proposed buildings are to be located within the centre of the site which is acceptable and allows them to integrate to the surrounding environment.

The needs of disabled people have been taken into account and the site could easily be accessed by other forms of transport other than the car.

In assessment of the road network and its ability to safely handle the extra vehicular traffic the proposal will generate and whether satisfactory arrangements are provided for access, parking, drainage and waste disposal, DfI Roads have indicated to the Planning Authority that they are generally content subject to final approval of the PSD Drawings.

Policy OS 4 is material to the assessment of this proposal as it is considered to fall within the definition of intensive sport facilities as set out in the policy. OS 4 states that proposals will only be permitted where they are located within settlements. The western portion of the site complies with this satisfactorily. The eastern portion is however, outside the settlement limit of Ballykinlar and the exceptions to OS 4 are thereby engaged. Policy states an exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) there is no alternative site within the settlement which can accommodate the development;
- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
- (iii) there is no adverse impact on the setting of the settlement; and
- (iv) the scale of the development is in keeping with the size of the settlement.

In assessment of this the proposal is noted to be site specific in that it is located immediately adjacent the existing Ballykinlar GAC grounds. As the site is on the edge of the settlement it is visually associated with Ballykinlar when approaching from the surrounding roads. The visual assessment supporting the application shows that there is no adverse impact on the setting of the settlement

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

In assessment of the above, taking into consideration, also, input from stat consultees, it is considered that there will be no unacceptable impact on the amenities of people living nearby, particularly those of proximity to the development at Commons Road / Tyrella View, Marian Park and Sand Lane, providing the mitigating measures are adhered to.

Shared Environment Services (SES) Natural Environment Division (NED) and Historic Environment Division (HED) have assessed the respective ecological and historic features affected by the development and have advised the Planning Authority that subject to conditions they are generally content that the proposal will have no adverse impact on features of importance to nature conservation, archaeology or built heritage.

It is considered that the proposal takes into account the needs of people with disabilities. The car park has been designed to ensure that it remains on a level contour for ease of access.

It assessment of road safety and the ability of the proposal to handle the extra traffic, along with the proposed access, car parking and drainage, it is noted an improved road network has been included in amendments to the proposal and that DfL Roads are generally content with that proposed.

Given the nature of the proposal it is considered that Policy **OS 5 – Noise Generating Sports and Outdoor Recreational Activities** is also applicable, this is due to the number of spectators anticipated and the consequential noise and traffic this could generate.

OS 5 stated that such proposals will only be permitted where

- i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; and
- (iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

The assessment within OS 3 & 4 demonstrates that these issues have been considered in detail and that no unacceptable level of disturbance it anticipated. The Councils EHO have raised no concerns in relation to noise.

The proposal also includes floodlighting, **Policy OS 7** is therefore material which states that the development of floodlighting associated with sports and outdoor recreational facilities, will only be permitted where all the following criteria are met:

- (i) there is no unacceptable impact on the amenities of people living nearby;
- (ii) there is no adverse impact on the visual amenity or character of the locality; and
- (iii) public safety is not prejudiced.

The proposed new floodlights are to be 21m and 24m in height and have been designed in accordance with the relevant lighting standards. The lighting report indicates that specific efforts have been made (at the request of the GAA) to minimise the impact of the lighting on the surrounding area and residential properties. In assessment of that proposed, the Councils Environmental Health Department have concluded that it is acceptable provided it does not operate after 10pm Monday – Friday and after 9pm Saturday Sunday and that it is installed and maintained to achieve levels of light as specified in the Musco Reports.

PPS 2 Planning and Nature Conservation

In assessment of this policy the following documents were considered Site Location Plan PL01B, Agent's letter dated 17 February 2021, Form P1 dated 17 February 2021, Habitats Regulations Assessment 16 February 2021, Badger Survey Report 3 December 2020, Badger Survey Report 24 November 2020 2 and 3 December 2020, Updated Badger Survey 9 March 2021, Bats and Lighting Position Paper dated 16 February 2021, Illumination Drawing, Illumination Summary dated 15 February 2021, Musco Lighting System and Design letter dated 15 February 2021, Project Summary dated 15 February 2021, Proposed Drainage Strategy 1, Technical Note dated 25 November 2020 Hedge Removal at Commons Road Tyrella Road Junction, Transport Assessment February 2021, Breeding Bird Survey June 2020, Contaminated Land Preliminary Risk Assessment February 2021, Drainage Assessment Flood Risk Revised February 2021, Drawing PL 04 B Proposed Block Plan, Drawing PL 15 B Proposed Landscaping, Drawing Existing Block Plan Sheet 1, Drawing Existing Block Plan Sheet 2 Tyrella Road Junction and associated drawings.

The site is noted to be of low ecological value comprising mostly grassland. Protected species such as badgers and bats were considered in detail and NED have advised the Planning Authority that the Badger survey (3 Dec 2020) confirms that there is no evidence of badger setts within the site or 50m of the site boundary. In assessment of bats and the impact on them from the proposed floodlighting concluded that commuting and foraging bats are protected.

The proposals impact on nationally and internationally designated sites has also been considered. The application site is hydrologically linked to Murlough Area of Special Scientific Interest (ASSI) and Murlough Special Area of Conservation (SAC) which are of international and national importance and is protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).

In conjunction with SES it has been concluded that provided the appropriate mitigation relating to construction environmental management plan and method of sewage disposal are conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

With regards to landscaping, the landscaping plan indicates that a 5m buffer will be planted along the boundary the site shares with Sand Lane, Marian Park and a small part of Commons Road. The plan details the mix of tree, hedge and shrub species proposed along with their size and numbers. Such provision in this context is considered to be acceptable. With regard to the concerns raised by 28 Sand Lane, the planting plan, would provide them with much improvement screening than currently in existence.

PPS 6 – Planning, Archaeology and The Built Heritage

There are no known archaeological sites located within the application boundary, however, within 1km radius of the site there are a number of archaeological sites. These sites are detailed in the supporting Archaeological Assessment which has been considered by HED on behalf of the Planning

Authority. HED concluded that in consideration of the impacts of the proposal, they are content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

PPS 3 – Access, Movement and Parking

The proposal includes new access arrangements, relocation of traffic calming feature on Commons Road, landscaping and associated site works. Road junction improvements of Commons Road / Tyrella Road junction and improvement works to include carriageway widening, a ghost island right turn provision with associated visibility splays, drainage, embankment re-gradation and associated road works.

As such AMP 2 is applicable. A lengthy and detailed consultation as been undertaken with DfI Roads which has resulted in the application being amended to facilitate some improvements to the road network as summarised above.

DfI Roads have indicated to the Planning Authority that they are generally content with that shown and have requested the submission of PSD Drawings. These drawings are pending submission and approval at the time of writing.

With regards to parking, the Parking Standards NI indicate that the following provision should be made for sui generis proposals like this.

Indoor / outdoor stadia including rugby, football, soccer, gaelic football, skating etc.	1 space per 3 staff 1 space per 3 players / competitors 1 space per 3 spectators	1 coach space per 500 spectators	Minimum of 10 per unit or 1 per 50 seats, whichever is the greater
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In assessment of these, it is noted that approx. 353 car parking spaces (including disabled) and 5 bus parking spaces have been provided, which is appropriate given that proposed.

PPS 15 – Planning and Flood Risk

In assessment of the proposal impact on flooding a consultation was carried out with DfI Rivers, who have advised the Planning Authority that a culverted watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Ballykinlar Drain' traverses the site. An undesignated watercourse flows into the site from the eastern boundary.

DfI Rivers have considered the proposal in detail and advise that the site is not located within a fluvial or coastal floodplain. They also note the intention of the developer to culvert the undesignated watercourse to the eastern boundary of the site and while they have no objections to this they have requested the provision of a 5m maintenance strip to any watercourse and encourage the developer to continue working with them to establish the provision of this. No objections have been raised in terms of drainage.

It is considered the proposal is compliant with policy.

PPS21 – Sustainable Development in the Countryside

PPS 21 is applicable given part of the site lies within the rural area outside the settlement limit of Ballykinlar. **Policy CTY 1** makes provision for proposals of outdoor sport and recreational and refers to PPS 8 – the assessment of which is detailed above, on that basis the proposal is considered to be compliant with CTY 1.

In assessment of policies CTY 13 and 14, it is considered that given the buildings proposed are to be grouped around that currently existing, they would integrate into the countryside. The new pitches are to be located on the boundaries of the site and while they will be defined by ball stop nets and fencing, these are slim in appearance and are unlikely to have any significant detrimental impact on the area. The supporting landscape assessment demonstrates that the proposal can be integrated into the surrounding context and ensure there is no detrimental impact on the rural character of the area.

Summary

On balance and taking into account all the supporting information, consultation responses and objection letters it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to conditions.

Recommendation:

Approval is recommended subject to the following conditions. Delegated Authority is being sought from the Planning Committee to issue the decision following the satisfactory submission and clearance of the PSD's by DFI Roads.

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans and documents: PL-01-B, PL-02-A, PL-04-B, 05, 06, 08, 09, 10, 11, 12, 13, 14, PL-16, PL-17, D-1001-REC P01, D-1003- REV P01, D-1004 REV P01, D-1005- REV P01, D-1006-REV P01, D-1007- REV P01, D-1008 REV P01, D-1009 REV P01, D-1010 REV P01, DL-04-C SHEET 1 & 2, C101-340-03 REV E, 5197949-ATK-ZZ-DR-D-101 Rev P01, 5197949-ATK-ZZ-DR-D-1007 Rev P01, 5197949-ATK-ZZ-DR-D-1011 Rev P01, 5197949-ATK-ZZ-DR-D-1008 Rev P01 and PSD Drawings, Musco report and lighting plan, oCEMP.

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

3. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. This final CEMP should contain all the mitigation as described in the Outline Construction Environmental Management Plan completed by Atkins Consulting, dated December 2019. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:
 - Pollution Prevention Plan; including details of the establishment of buffer zones to watercourses, 20 metres to streams and 20 metres to minor drains and details of watercourse crossings.
 - Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures.

- Peat/Spoil Management Plan; including identification of peat/spoil storage areas and details of the reinstatement of excavated peat/spoil.
- Water Quality Monitoring Plan.
- Environmental Emergency Plan.
- Details of the appointment of an Ecological Clerk of Works and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Construction Environmental Management Plan and to prevent likely significant effects on Murlough Area of Special Scientific Interest and Murlough Special Area of Conservation.

4. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site and to protect downstream water quality at Murlough SAC.

5. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-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.

6. After completing all remediation works under Condition 5 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

7. The floodlighting hereby approved shall not be operated after 10pm Monday to Friday and after 9pm on Saturday and Sunday.

Reason: To protect the amenity of neighbouring properties

8. The floodlighting hereby approved shall be installed and maintained to achieve levels of light as specified in Musco report and lighting plan dated 15th February 2021.

Reason: To protect the amenity of neighbouring properties

9. No development activity shall take place on site until a plan has been submitted to the Planning Authority for approval which shows a 5-10m maintenance strip along the watercourses which traverse the site. These maintenance strips shall be provided with clear

access and egress at all times and should be protected from impediments including tree planting, hedges, and permanent fencing.

Reason: To ensure access to and from the watercourses is available at all times

10. The existing natural screenings of the site, as indicated on Drawing No PL-15-B shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

11. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No PL-15-B and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

DfI Roads Conditions to follow pending approval of the Private Streets Determination process.

Case Officer: C Cooney

Date 06.07.2021

Authorised Officer: A.McAlarney

Date: 08 July 2021



Newry Mourne and Down District Council

Planning Committee

Agenda 11.0

Wednesday 28th July 2021

Speaking Notes in support of Application LA07/2019/1808/F – Provision of new Down GAA Centre of Participation

[Sarah McDowell, Resolve planning]

Thank you Chair and good morning/afternoon members.

As the agent and on behalf of Down GAA, I would like to take this opportunity to thank the Councils Planning team and all statutory consultees involved in processing this application. We welcome the recommendation to approve.

Down GAA has over 25,000 members playing Gaelic Games and participating in activities throughout the County and yet does not have a home to call its own. Teams have depended on the good nature of Clubs and Schools for training facilities. This redevelopment at Ballykinlar as described to you by Council planners, will provide state of the art sports facilities for Down GAA, and the local community.

All of the material planning matters have been due fully considered during the planning process and in particular by DAERA, Environmental Health, Rivers Agency, and DFI Roads in terms of natural environment, noise, contamination, drainage, traffic and road safety. The recommendation to approve this proposal is a result of 17 months of careful consideration by

all statutory consultees. Their final responses offered no objections and a total of *11 conditions (to be updated with DFI conditions)* are to be attached to an approval to ensure that the development will be constructed and operate as proposed.

On behalf of Down GAA committee, players, teams and all of its supporters, I hope that committee members ratify planner's recommendation this morning/afternoon and approve this very much needed new state of the art complex to cater for the further development of Down GAA and to improve community provision in the Ballykinlar area.

I will now hand you over to the Down GAA secretary for his comments, Seán Óg...

[Seán Óg, Down GAA secretary]

I would just want to thank the Planning Officers of NMDDC for their guidance in getting us to this stage on what is a historic day for Down GAA, a day that brings us now a step closer to having our own facilities to allow for the training and preparation of our Teams in all Codes. It is also a big day for the Club and the Community in Ballykinlar with the development of facilities that we hope will be the pride of the area and which will enhance the health and well-being of many people. We have a big challenge ahead now but one that we are looking forward to immensely, we hope that the finished project will reflect everything that is good in County Down.

Thank you

Item 11 - LA07/2019/1808/F - Ballykinler GAC Commons Road, Ballykinler

I would like to underscore the significance of the proposal if approved, highlighting the myriad of Down county teams across all codes including Gaelic football, Hurling, Ladies Gaelic football & Camogie at all age levels who will now be based on one site.

In addition, I want to mention the hand of friendship that the British Government have extended to nationalist Ireland through this agreement which would have been unthinkable only a generation ago, so the significance of this moment cannot be understated and will in fact be a physical manifestation of a peaceful future for us all.

Regards,
Jarlath



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

Application Reference: LA07/2020/0661/O

Date Received: 6th May 2020

Proposal: Housing development

Location: Land opposite and west of Nos 10 -32 Grove Gardens Killyleagh

Site Characteristics & Area Characteristics:



The site is comprised of a 0.1 hectare site located within Grove Gardens Killyleagh. The site is comprised of an un-zoned area of land which is informally used as an existing open space area within the Grove Gardens development.

The site is sloping in nature. The image below shows how the land within the site slopes distinctly in an east-west direction, with the eastern portion of the site level with the access road serving the development, while the western section is positioned some 4m below this road level.



The site is defined along the northern and western boundaries by mature hedgerows, while the remaining boundaries are currently undefined.

The site lies immediately opposite those two-storey terraced dwellings of Nos 12-32 Grove Gardens.

The site is located within the settlement limits of Killyleagh and Strangford and Lecale AONB and is immediately adjacent LLPA 4 as designated in the Ards and Down Area Plan 2015.

Site History:

There is no previous history on this site for this type of development.

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3
- Planning Policy Statement 6
- Planning Policy Statement 7
- Planning Policy Statement 8
- Planning Policy Statement 12
- Creating Places and supplementary guidance.

Consultations:

DfI Roads – No objections

NIW – No objections

Historic Environment Division -No objections

Objections & Representations

In line with statutory requirements the relevant neighbours were notified on 28.05.2020. The application was advertised in the local press on 10.06.2020

10 letters of objection and 1 Petition have been received.

The issues raised relate primarily to

- Access for emergency vehicles
- Parking
- Safety for the children of the area
- Property values.

Consideration and Assessment:

The proposal seeks outline planning permission for a housing development. An indicative layout has been provided which shows how the site could be developed for 4 dwellings (2 pairs of semi-detached dwellings).

RDS

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. The SPPS sets out core planning principles to be employed in the pursuit to achieve sustainable development and aims to support good design and positive place making, while preserving and improving the built and natural environment. Section 45 of the Planning Act (Northern Ireland)

2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

Ards and Down Area Plan 2015

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Killyleagh.

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 6: Planning, Archaeology and The Built Heritage, Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of

Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

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

Principle of development

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

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

This policy therefore provides broad support for the principle of the proposal.

Policy DES 2 of the PSRNI

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

PPS 7 – Quality Residential Environments

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

damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

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

This criterion requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. While not specified in the proposal description, the indicative layout shows how the site could be developed for 4 dwellings.

The site is located on the edge of the settlement limit of Killyleagh, on a site which is currently vacant, but within an existing residential area. To the immediate east of the site there are those dwellings 10-32 Grove Gardens, while to the north and west there are greenfields located outside the settlement limits and within the rural area. The northern boundary of the site abuts Local Landscape Policy Area 4 (LLPA 4) which relates to Killyleagh Castle and grounds, Coarse Lodge and associated lands.

The residential context of the site is noted to be predominantly two-storey terraced dwellings.

Overall it is considered that the development in principle would respect its surrounding residential context and the indicative layout is appropriate in character.

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

The proposal is affected by historical monuments DOW 024:029 and DOW 031:025. In assessment of these the Planning Authority carried out a consultation with Department of Communities Historic Environment Division (Monuments), who have advised that given the scale of the scheme there is limited potential to uncover below ground archaeological remains during the course of construction

works and they are therefore content that the proposal satisfactorily complies with those policies contained within the SPPS and PPS 6.

The site lies outside but immediately adjacent LLPA 4- Killyleagh Castle and grounds, Coarse Lodge and associated lands. The northern boundary of the site abuts this designation and therefore the vegetation along it should be retained to protect the integrity of the LLPA.

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

In terms of private amenity space, the indicative layout shows that each dwelling will have adequate private amenity space to the rear with garden ranging from 71-105sqm. This provision is in keeping with the guidance contained within Creating Places.

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

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Killyleagh.

(E) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public

rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site is located within the settlement limit of Killyleagh and is therefore within walking distance of all the facilities within the settlement and convenient to public transport etc.

(F) adequate and appropriate provision is made for parking;

Proposals for residential development are expected to provide adequate and appropriate provision of parking within the development. 2 in-curtilage car parking spaces have been provided on the indicative layout which is compliant with the parking standards and that guidance set out in Creating Places.

It is also noted that the on-street parking arrangements currently operating within Grove Gardens could continue.

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

The design of the proposed dwellings is not formally before the Planning Authority, however, an indicative design is shown on Drawing No DDC-124-G-1-12b, which shows a split level house-type, thereby respecting the sloping nature of the site. The dwellings would appear single storey at road level with a two-storey element at the rear. Such a design may be appropriate for the site.

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

Given the mix of dwelling types within the village of Killyleagh, it is considered that the indicative proposal would meet this aspect of the policy

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

In consideration of whether the site will create conflict with adjacent land uses it is noted that the indicative site layout shows that the proposed dwellings would be immediately opposite a number of other residential properties, however, they are sufficiently separated from each other so as not create nuisance / disturbance / overlooking or loss of privacy. Each dwelling will have its own in-curtilage car parking spaces and therefore the flow of traffic for those existing residents would not be detrimentally

affected. A turning head has been provided which will allow the safe manoeuvring of service and emergency vehicles within the development.

(I) The development is designed to deter crime and promote personal safety.

It is considered that the proposal could comply with this satisfactorily.

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

PPS7 Addendum – Safeguarding the Character of Established Residential Areas.

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

(a) the proposed density of the development is lower than that immediately opposite at Grove Gardens. It is therefore appropriate to its setting within the settlement limits.

(b) While the immediate vicinity of the site is noted to be characterised by two-storey terraced dwellings, the dwellings shown on the indicative plans would not be considered to be detrimental to the overall character and environmental quality of the established residential area as discussed under PPS7;

(c) The dwellings shown on the indicative plans would not be less than those set out in Annex A

The indicative layout suggests that the proposal complies satisfactorily with the above criteria.

PPS 8 – Open Space

For the purposes of PPS 8, open space is taken to mean all open space of public value, including not just land, but also inland bodies such as rivers, canals lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

Policy OS 1 - Protection of Open Space states that development will not be permitted which would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open will apply irrespective of its physical condition and appearance.

The existing open space area to the immediate west of Grove Gardens comprises an area of approx. 0.3 hectares. The proposal will use approximately half of this area for the new housing.

Policy OS 1 states that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

In support of their application, the Council have submitted a statement which advises the Planning Authority that, the joint PPS8 protocol document agreed between Planning Service and NIHE for assessing applications against Policy OS1 (PPS8) must have relevance in this instance, as it is intended to transfer this site back to the NIHE or their partnering agencies for the provision of social housing and their statement is set out in line with Annex A of the protocol.

In addition, the Council cite the following justification for the proposal

1. There is identified need within Killyleagh for 24no. social housing units.
2. There is a shortfall of available land to meet social housing demand.
3. There is a significant area of existing open space in this residential area & this proposal would have minimal impact to the overall open space provision (significantly more than 10% requirement as per Policy OS2 of PPS 8 will remain)
4. This new build scheme will achieve the following:
 - i. Improve the estate physically, improve the attractiveness of Grove Gardens while providing a quality residential and sustainable residential environment, better parking provision, vehicle turning area, additional footpaths, wider carriageway
 - ii. Reduce anti – social behaviour.
 - iii. Develop a peripheral corner site with relatively low amenity value to existing residents within Grove Gardens.
 - iv. Minimal impact to bio-diversity as all existing boundary vegetation would be retained.
 - v. Provide much needed social housing.
5. Development of this area of open space would bring the following community benefits:
 - i. The provision of more social housing where a strong local need exists would go some way to reducing the local demand and significant number in housing stress.
 - ii. The development would see the generation of much needed employment within the local construction industry for the duration of the build contract.
 - iii. Local unemployed people given the opportunity of apprenticeships etc.
 - iv. Create a more attractive and sustainable residential environment, safer for residents and promote a sense of place.

The Planning Authority have no reason to disagree with the justification presented above and on balance, consider that the proposal satisfactorily complies with Policy OS 1 given the community benefits that could be achieved from its approval.

PPS 12 - Housing in Settlements

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

PPS 2 – Natural Heritage Interests

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

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

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

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

PPS 6**Monuments**

As indicated above the site is within close proximity to historical monuments DOW 024:029 and DOW 031:025. In assessment of these the Planning Authority carried out a consultation with Department of Communities Historic Environment Division (Monuments), who have advised that given the scale of the scheme there is limited potential to uncover below ground archaeological remains during the course of construction works and they are therefore content that the proposal satisfactorily complies with those policies contained within the SPPS and PPS 6.

PPS 3 – Access, Movement and Parking

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

(A) Such an access will not prejudice road safety or significantly inconvenience the flow of traffic.

In assessment of this, a consultation with DfI Roads has taken place, which has concluded in the presentation of an acceptable indicative road layout.

The proposal therefore complies with the requirements of PPS 3.

Assessment of Objections

As indicated above the main issues of concern relate primarily to road safety and parking. As can be seen from the above assessment, these issues have been considered in full and following a lengthy consultation with DfI Roads, it is considered that the indicative layout would represent a scheme which is safe for all. Each new dwelling will have its own in-curtilage car parking spaces and there will be a turning head within the development which will allow for the manoeuvring of service and emergency vehicles.

The granting of a disabled parking space opposite Nos 22 and 24 has been noted, however, this space has not been implemented and therefore the Planning Authority can only consider that which is currently present.

It is acknowledged that many residents are concerned about the impact this development will have on the value of their property. Unfortunately, while noted, this is not an issue to which determining weight can be given in this determination.

Other Matters

Following a consultation with NIW, the Council have been advised that the site is within 20m of public water supply, foul sewer and Killyleagh Waste Water Treatment Works is available to serve the proposal.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees and the objection letters and petition, it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.

Drawings

The Drawings considered as part of this assessment are as follows

DDC 124-G-1-10, DDC 124-G-1-12b

Recommendation: APPROVAL

CONDITIONS

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

- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

- 3. The development hereby permitted shall take place in strict accordance with the following approved plans DDC 124-G-1-10, DDC 124-G-1-12b.

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

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

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

- 5. As part of the reserved matters scheme, a plan of the site indicating the existing and proposed contours, the finished floor levels of the proposed buildings in relation to the existing and proposed ground levels and the position, height and materials of any retaining walls shall be submitted to the Council for approval.

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

- 6. As part of the reserved matters scheme, a detailed landscaping scheme shall be submitted showing:

- i retention of the existing vegetation along the northern and western boundaries of the site
- ii planting along the southern boundary and within the site;
- iii details of any hard landscaping including walls and pillars.

The landscaping scheme should provide details of the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.

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

Case Officer: C Cooney

Date: 09.06.2021

Authorised Officer: A.McAlarney

Date: 09 June 2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1797/F

Date Received: 03.12.2020

Proposal: Proposed single storey rear extension to dwelling (amended proposal)

Location: 22 Ballaghbeg Park, Newcastle.



Site Characteristics & Area Characteristics:

The site in question is a two-storey mid terrace dwelling located within a residential area in Newcastle. The site is a flat site and is a two-storey dwelling with a contained back yard bounded with block walls. There is already a single storey rear extension to the dwelling in question and a small outhouse which forms part of the rear boundary. A path beyond the rear

boundary offers rear access to all properties and opposite the rear of no 22 are the rear yards to a 2nd set of dwellings in the same form of terrace row. The two blocks are separated by 17.5m back to back.

The site is located within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015. The site also is located within an area identified by Rivers Agency as being within reservoirs inundation area.



Site History:

R/2007/0408/F – 20 Ballaghbeg Park, Newcastle, proposed single storey extension to rear of dwelling, granted, 08.08.2007.

R/2004/1969/F – 26 Ballaghbeg Park, Newcastle, single storey bedroom and shower room extension to dwelling, granted, 13.01.2005

R/1991/4065 – Ballaghbeg Park, Newcastle, alterations and extension to dwellings for NIHE, permitted development – 26.11.1991

Planning Policies & Material Considerations:

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

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)

- Addendum to PPS 7 Residential Extensions and Alterations
- PPS 15 Planning and Flood Risk.

Consultations:

No additional consultations were considered necessary in order to make a determination in relation to this application.

Objections & Representations:

In line with statutory requirements the application was advertised in the local press being the Newry Democrat on 22.12.2020 and Down Recorder on 23.12.2020. initially 5 neighbours were notified of the application on 06.01.2021 which expired on 20.01.2021. To date 4 letters of objection have been received.

Two residents at no 24 Ballaghbeg Park objected on the following grounds:

- The rear of the existing dwelling is currently a sun trap in the evening and the residents feel it will result in a dark cold space to the rear of the dwelling.
- Both residents have health conditions and feel that these would exasperated as a result of the works during construction.
- The works are out of character with the existing properties.
- No 22s sewerage pipe runs through the back yard of the objector.
- Feel like they would become like prisoners with no light.

A further two letters of objection have been received from number 20 Ballaghbeg Park and also No 26 Ballaghbeg Park and were on the following basis:

- Questioned if the application was valid given that the applicant has not given the address he occupies rather the address of the site to be developed.
- Believe the proposal is not in keeping with the layout density, design, appearance or character of the area in particular to the scale and proportions of existing dwellings.
- The objector also requests the Authority considers the cumulative impact of such developments.
- Additional points in relation to health reasons which are contained on file.

Consideration and Assessment:

The application is considered against Policy EXT 1 Residential Extensions and Alterations and the following points are considered.

- **The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.**

There is an existing rear single storey extension existing at present at the property and it extends 3.4m from the existing rear building line and is 3.7m in height from ground and 2.8m wide and it is noted that the overhang on the drawing presented overhangs the property

boundary. The proposed extension is to extend on top of the single storey rear return resulting in an extension again 3.4m from the rear building line and 2.8m in width but with a height of 6.4m from ground.

The existing terraces that sit back to back with a back wall to back wall separation distance of just 17.5 metres is of a small size and scale at present with compact back yards and little amenity space within each for development. It is noted that while there have been some single storey extensions there have been no two storey extensions within the complex to date. The separation distances of the units, the very limited back yards and the proximity of windows to adjacent dwellings limits what would be acceptable on the site for a number of reasons. It is considered to introduce two storey extensions would not be in keeping with the scale and design of the existing dwellings. In terms of scale the existing dwellings are laid out in close proximity but do provide just enough separation to maintain privacy, it is noted that it falls short of what is expected in Creating Places used at present that would stipulate 20m back to back. While this is an amenity issue it illustrates the close proximity of the dwellings and to set a precedent with the introduction of two storey extensions would have a negative impact on the character and appearance of the existing terrace. The design of the extension is large when considered in relation to the existing dwelling and amount of rear amenity available and does not take into account the overall scale and character of the area. It is also noted that the majority of the 1st floor will be concrete walls as there is one small window proposed to the side of the extension only and this in itself look blank and dominating especially when presenting to a shared narrow alleyway. To introduce more windows would introduce other issues and further impact on residential amenity by way of privacy.

It is noted that the objectors have also raised the issue of impact on character and again note the small terrace design of the overall estate and that there has not been any 1st floor extensions within the overall estate and to introduce them would have a negative impact on the overall character and appearance of the area and set a new precedent that would not be welcome.

- **The proposal does not unduly affect the privacy or amenity of neighbouring residents.**

The extension would allow for a larger bathroom at 1st floor, the plan submitted includes the re configuration of 1st floor to reduce the accommodation to a two bedroom dwelling where it is currently a three bedroom dwelling and also there is the inclusion of a larger bathroom proposed to be contained within the extension to the rear of the dwelling. the extension in itself will not have any negative impacts in terms of privacy as there is only a small window proposed to the side of the extension overlooking the rear yard of the host property, this glazing would be opaque glazed and is not likely to lead to any demonstrable harm in terms of loss of privacy onto neighbouring dwellings.

There is however an issue of amenity as a result of the proposal. No 24 has objected in relation to the application as it is their opinion that the proposal will lead to a loss of light onto the rear yard of their property where they do enjoy the outdoors and the sun. They believe that there will be a loss of light and a constant shadow cast by the extension leaving the area cold and dark.

The issue of overshadowing and loss of light is dealt within A32 of Addendum to PPS 7 Residential Extensions and Alterations. While applications need to be dealt with on a case by case basis the light test is identified as a tool in order to help guide in relation to overshadowing and loss of light. The light test has been carried out in relation to the 1st floor bedroom window at property no 24 and the extension proposed would fail this light test by 2.2m, in order to not fail the light test the extension would need reduced to just 1.2m and in doing so would lead to further issues in terms of character and appearance. A first floor extension at this location, on the existing boundary where there is already an overhanging of guttering onto the adjacent property would have a detrimental impact on the quality of light within the adjacent dwelling. the extension would darken the 1st floor bedroom window of no 24 and would also create a feeling of being hemmed in and dominance and overbearing due to the proximity of the extension to the boundary and the overall height of the extension and its relationship to no 24 Ballaghbeg Park.

The works would have a negative impact on the enjoyment of the rear amenity of no 24. Throughout the last year private amenity space has become ever more important. It is noted that the dwellings within this development and within the terrace have already got a very limited area of amenity to enjoy, this area has to be shared with bin storage and washing lines etc and also provide an area of outdoor amenity to enjoy. It is considered that a 1st floor extension would result in a degree of loss of light but would also overpower and dominate the rear amenity area of no 24 and would reduce the quality of the amenity space they currently enjoy.

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

The proposal will not have any detrimental impacts on landscape features or impact on the local environmental quality of the area. It is noted that the site sits within a Rivers inundation area, controlled reservoirs however given that this is a first-floor extension with no greater floorspace or catchment area created there is no requirement to consult Rivers Agency, there will be no detrimental impacts as a result of the works.

- **Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.**

The works do not impact on the amount of space within the curtilage of the dwelling, this aspect of policy has not been offended.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is considered contrary to SPPS and EXT 1(c) of Addendum to PPS 7 Residential Extensions and Alterations in that the proposal will have an adverse impact on the amenity of no 24 Ballaghbeg Park by way of loss of light and dominance.
2. The proposal is considered contrary to SPPS and EXT 1(a) of Addendum to PPS 7 Residential Extensions and Alterations in that the proposal is not in keeping with the scale and design of the extension is not in keeping with the established character Ballaghbeg Park.

Further Consideration following Recommendation.

Before the application appeared on a delegated listing, the agent amended the proposal to a single storey extension. Neighbours have been notified of the amendments which have resulted in a total of 38 letters of objections being received. The objections were received from residents of Ballaghbeg and also Burrenview Court, Newcastle, Aughrim Court, Mourne Green and Bernagh Green Newcastle and in addition to these objections have been received from Kilkeel and Castlewellan.

The agent submitted amended drawings on 19th February 2021 reducing the proposal to include the alteration of windows and doors on the existing building with no physical extension and neighbours were notified of the amended proposal on 22.02.2021 which expired on 08.03.2021. Objections were received in relation to the amended plans on the following grounds:

- The objectors stated that the building in question does not have a building regulations completion certificate and believe to make the alterations would be a breach of The Building Regulations (N.I) Order 1979.
- The existing rear extension does not have the benefit of planning approval or building control approval (no date of construction has been given)
- Objectors also comment that the resale value of their house is negatively affected as the boundary of no 22 overhangs the property of no 24. (this is the existing rear return being referred to)
- Water and sewerage issues were raised again and the question of liability should damage be done.
- The issue of the impact of noise, dust etc was again raised in relation to the build and the neighbours believe this will have a negative impact on some of the more vulnerable residents.
- Issues are raised as to how this application may breach the set of covenants that were issued when dwellings were purchased from the executive.

The agent submitted a further amendment to the application 29th March 2021 and the neighbours and objectors were notified of this on 30.03.2021 which expired on 13.04.2021.

The proposal before the Planning Office and upon which this recommendation is based is for a single storey extension that would extend beyond the rear building line of the existing rear extension by 3.4m and from the main dwelling by 6.7m. The extension would have a height from ground of 3.8m and pairs in with the existing rear return. The extension provides a larger kitchen/dining area and a utility and toilet. Space remains within the yard for bins etc and a small area of amenity. The extension mirrors the extension at no 20 Ballaghbeg Park. 1st floor internal alteration is also proposed.

The works are considered again against Addendum to PPS 7 Residential Extensions and Alterations EXT 1.

- **The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.**

The scale, massing and design of the extension is a marked improvement on the original scheme and is single storey in height and design and is in keeping with other extensions within this development. The height of the proposal matches the existing single storey return and at 3.8m is an appropriate scale and design to the existing dwelling. All finishes are to match the existing dwelling. The extension is subordinate to the main dwelling house and will not detract from it.

In addition to consideration of the likely impacts of the proposal on the dwelling itself consideration is also given to the potential for impact on the character and appearance of the area. The existing outhouse associated with no 22 is to be removed and the extension will be the same distance from the main building line as the neighbouring dwellings (no 20) extension is. The works are considered to be in keeping with the overall character and appearance of the area and given they are at single storey and to the rear of the property enclosed in a yard there will be limited public view points of the majority of the extension and from wider viewpoints there already is single storey developments either side therefore the impact of this in terms of wider public view points is further limited.

- **The proposal does not unduly affect the privacy or amenity of neighbouring residents.**

The agent has demonstrated that the existing rear return that is to be retained marginally fails the light test set out in the annex of Addendum to PPS 7 and also demonstrates that this proposal will not have any greater impact on the light available to the ground floor window of no 24 Ballaghbeg although it is noted that no 24 has objected in light of this plan and believes that it shows it will have a greater impact. The extended part they refer to as failing the light test would be at the position of the shed being removed. It is not considered that given the existing site layout and the proposal put forward there will not be any demonstrable harm to no 24 Ballaghbeg Park as a result of the works. There will not be any demonstrable harm with loss of light, overshadowing or dominance from the proposal and it is also noted that the works will not result in any loss of privacy or overlooking onto the adjacent properties.

Consideration is also given to the likelihood of any impact onto no 20 Ballaghbeg Park who has also objected to the proposal. Given that there are no windows facing onto the boundary

between no 20 and 22 and also given that there is already a considerable extension to the rear of no 20 it is not considered that this single storey extension will have a detrimental impact on the amenity of no 20 by way of loss of light, overshadowing, loss of privacy or dominance. No 20 has raised the issue of overhang of the extension onto their property however having considered the drawings submitted and the current site layout with the extension of no 20 already alongside a shared boundary it is not considered that there will be any overhang onto no 20 from this extension at no 22. The rear return wall of this extension appears to have the same separation distance from the shared boundary as no 20 does when looking at the floor plans presented.

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

The proposal will not have any detrimental impacts on landscape features or impact on the local environmental quality of the area. Proposal is confined to a private rear concreted yard.

- **Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.**

While this application will reduce the amount of available space to the rear of the dwelling it is noted that sufficient space will remain for the storing of bins etc and a small amount of amenity will remain to allow the occupant to sit outside.

Recommendation:

Having taken into consideration the proposals, the site and all of the objections submitted and material considerations it is considered that this application does not offend planning policy and meets with the requirements of SPPS and Addendum to PPS 7 Residential Extensions and Alterations therefore a recommendation of approval is made.

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plan A1-04 REV B

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

3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those of the existing dwelling.

Reason: To ensure a visually acceptable development in accordance with policy EXT1 of PPS7 (Addendum), Residential Extensions and Alterations.

Informatives:

1. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer: Fionnuala Murray

Authorised Officer: Annette McAlarney

Date: 17.05.2021

28th July 2021, 13.0 LA07/2020/1797/F - 22 Ballaghbeg Park, Newcastle – Proposed single storey rear extension to dwelling **(Mid Terrace)** (Amended Proposal)

101

Our Concerns regarding this application:

1 - Covenants

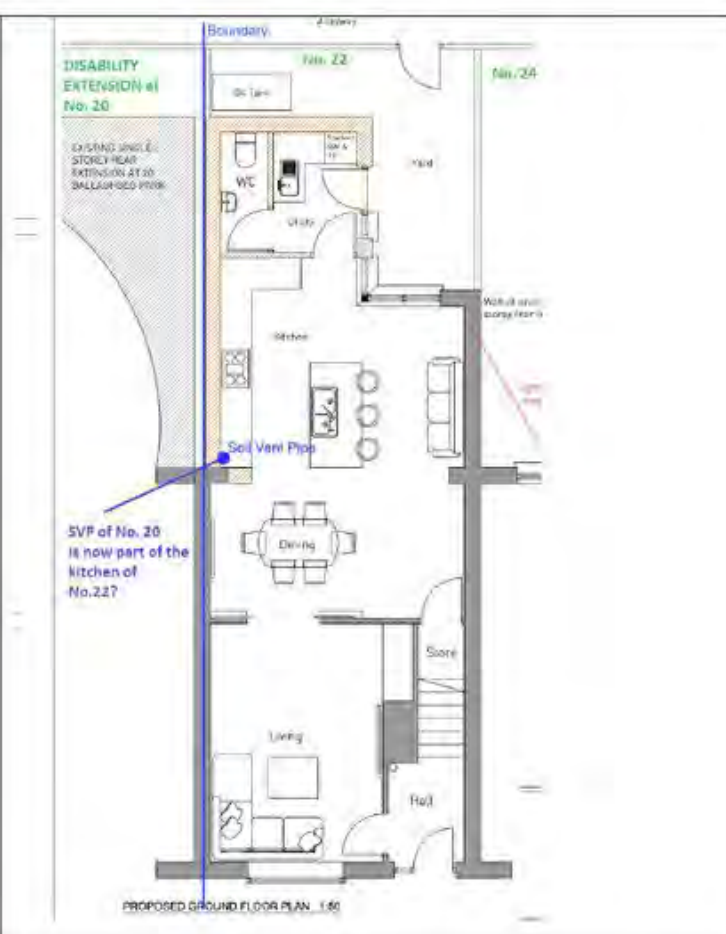
In particular Fourth Schedule Transferee's Covenants Section 1

- Not to erect or build ...

Second Schedule – Easements, Rights and Privileges...

2 - Encroachment & Overhanging

3 - Soil and Vent Pipe (SVP)



Soil and Vent Pipe (SVP)



The SVP of No. 20
enters the back garden
of No. 22

Councillors, am I liable
for costs/repairs if the SVP
above ground gets damaged?

If the new extension at No. 22
goes ahead how will access to
the pipe be obtained (as it is
now incorporated into the new
kitchen)?



If I am liable how can I
possibly repair the above ground
SVP as it is now not accessible?
In past New elbow joint required for pipe connected
to SVP.



The SVP of No. 20 enters the
back garden of No. 22

The Disability Extension at No. 20
WAS NOT BUILT ON THE BOUNDARY WALL
AS WE WANTED TO MAINTAIN GOOD
Relations with our Neighbours.

The Disability Extension was
BUILT WITH A GRANT FROM
N.I.H.E. -

WE DO NOT WANT IT DAMAGED.



Application Reference: LA07/2021/0058/F

Date Received: 11th January 2021

Proposal: 8no Detached dwellings and associated landscaping (Amended Proposal)

Location: East of 33 and 30-36 Tollymore Brae, Newcastle

Site Characteristics & Area Characteristics:



The site is comprised of a 0.8-hectare greenfield site, which is bounded to the north by the Meadowvale housing development, Tollymore Brae to the west, Eliza Close to the south and the Burren River to the east.

The site is defined by a 1.8m high timber fence to the west, with a fence and wall to the south, while the eastern boundary is defined by the Burren River, the northern boundary is currently undefined.

The site slopes gently down towards the river in a west to east direction.

The site is located within the settlement limits of Newcastle, adjacent and existing established residential area. It is located within the Mourne AONB and Local Landscape Policy Area 1 as designated in the Ards and Down Area Plan 2015.

Site History:

R/2010/0817/F - Lands to the rear and 40m east of 20 & 27 Tollymore Bare Tollymore Road Newcastle
- Residential development comprising 6no detached dwellings, garages/car ports, access, landscaping

and associated site works, including provision of temporary sewage treatment system to serve the new dwellings (revision to previous approval R/2010/0108/F) – Permission Granted

08.03.2011

R/2010/0108/F – Lands to the rear and 40m east of 20 & 27 Tollymore Brae, Tollymore Road, Newcastle Co Down - Residential development comprising 6no detached dwellings, garages/car ports, access,

landscaping and associated site works including a temporary sewage treatment system to serve the new dwellings (amended scheme) – Permission Granted - 07.07.2010

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3
- Planning Policy Statement 6
- Planning Policy Statement 7
- Planning Policy Statement 12
- Planning Policy Statement 15
- Creating Places and supplementary guidance.

Consultations:

DfI Roads –

NIW – No objections in principle

Rivers Agency – No objections

Natural Environment Division -No objections

Objections & Representations

In line with statutory requirements the relevant neighbours were notified on 22.01.2021 and again on 28.05.2021 regarding amendments.

The application was advertised in the local press on 26.01.2021

13 letters of objection have been received from

- 48 Eliza Close
- 44 Eliza Close
- 42 Eliza Close
- 34 Tollymore Brae
- 32 Tollymore Brae
- 22 Tollymore Brae
- 102 Tullybrannigan Road
- Jim Wells MLA – supports the objections made by 44 Eliza Close

In summary of the above letters the following issues have been raised

- Inadequate provision of flood protection
- Increased flood risk

- Over development
- Over shadowing/ loss of light
- Loss of privacy
- Impact on character
- Impact on local ecology & wildlife
- Increased traffic and parking issues
- Loss of green space

Consideration and Assessment:

The proposal seeks full planning permission for the erection of 8 detached dwellings featuring 4 house types – A, B, C and D.

The proposed layout will continue development within Tollymore Brae in an easterly direction towards the Burren River. The dwellings have been designed so that they front onto the service road within the development.

The dwellings proposed are typically two-storey, with hipped roofs and finished with white rendered walls, grey slate roof, grey pvc windows, black aluminium rainwater goods and silver / grey granite window sills.

RDS

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

Ards and Down Area Plan 2015

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Newcastle.

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 6: Planning, Archaeology and The Built Heritage, Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of

Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

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

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

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

Policy DES 2 of the PSRNI

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

PPS 7 – Quality Residential Environments

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

damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

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

This criterion requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. The proposal is for 8 detached two-storey dwellings.

The site is located within the settlement limit of Newcastle, on a site which is currently vacant but lies immediately adjacent an existing residential development known as Tollymore Brae. The site lies within the Local Landscape Policy Area 1 which relates to the Burren River corridor and associated planting.

The residential context of the development surrounding the site is noted to be predominantly two-storey detached dwellings.

The design of the dwellings proposed represent a slight departure from that currently within the development given the hipped roof proposed. The applicant has advised that the design has been influenced by key buildings within the surrounding context i.e. Grade B1 listed building Ashleigh at Bryansford Road and the now demolished Shimna House. Nevertheless, policy allows for a variety of dwelling types and design and the urban context and I therefore have no objection to the style of dwelling proposed.

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

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

The site lies within LLPA 1- Burren River Corridor which was designated with the area plan as the river and shorelines provide local nature conservation interest and potential for public access linking

countryside with open space within the town centre; and it includes lands retained as flood pondage following implementation of the flood alleviation scheme.

The proposed development is confined to the western side of the Burren River to a relatively small area compared to the size of the overall designation. It is not considered that the extension of residential development into this area would undermine the LLPA given that which remains.

The proposal is in close proximity to the Burren River itself and the plans indicate that a 5m buffer will be provided to enable maintenance etc of the river. It is considered therefore that the river as a feature has been protected.

The proposal is therefore compliant with this aspect of QD1.

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

The guidance document Creating Places, advises that detached family properties should be provided with suitable private amenity space – an average of 75sqm per unit is considered to be an appropriate minimum. The proposed plans indicate that a variety of private amenity spaces will be developed, all of which are above the minimum parameter. This is therefore considered to be acceptable.

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

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Newcastle.

(E) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public

rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site is located within the settlement limit of Newcastle and is therefore within walking distance of all the facilities within the settlement and convenient to public transport etc.

(F) adequate and appropriate provision is made for parking;

Proposals for residential development are expected to provide adequate and appropriate provision of parking within the development. Each dwelling has been provide with 2 in-curtilage car parking spaces which is compliant with the parking standards and that guidance set out in Creating Places.

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

The design of the dwellings (as described above) is considered to be acceptable.

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

Given the mix of dwelling types within the area, it is considered that the proposal would meet this aspect of the policy

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

In consideration of whether the site will create conflict with adjacent land uses it is noted that the site is immediately adjacent a number of other residential properties, some of which have objected to the proposal on the grounds of overlooking, loss of privacy, overshadowing etc.

I consider those dwellings to be most affected by the proposal to be Nos 42, 44 and 46 Eliza Close to the south and Nos 30, 32, 34, 36 and 39 Tollymore Brae to the west.

No 44 Eliza Close has objected to the proposal on the grounds that, among other things, it will impact negatively on their property, resulting in overlooking, overshadowing, loss of light and loss of privacy. There is no doubt that the erection of a dwelling to the rear of No 44 Eliza Close will result in a significant change for the residents of this property, having previously enjoyed no development to the rear of their property.

However, upon assessment of the proposal I note that the plans indicate that the rear elevation of Plot 7 will be positioned 23.8m from the rear elevation of No 44 Eliza Close. Creating Places indicates a back to back separation distance of 20m is appropriate and as this proposal exceeds this parameter I have no grounds for concern. I note the objectors concerns regarding levels and the potential for the proposed dwelling to tower above their property at No 44 Eliza Close. Upon examination of the proposed plans a cross section has been provided (BB on Drawing No 02) which shows the relationship between No 44 Eliza Close and Plot 7. This section indicates that while Plot 7 will have a higher ridge height than the chalet bungalow of No 44 Eliza Close, the finished floor levels are relatively similar. In addition, the first floor windows of the proposed property are separated some 23m from No 44 which is considered to be a reasonable separation distance to prevent detrimental overlooking and consequential loss of privacy. With regards to the issue of overshadowing, I consider given the sun path and the separation distance between the existing and proposed that overshadowing of No 44 Eliza Close would not occur.

Nos 32 and 34 Tollymore Brae have also raised concerns about the lack of privacy and loss of light they would experience should this proposal be approved. In assessment of this I note that Nos 32 and 34 Tollymore Brae are two storey dwellings which will have a back to back separation distance from the proposed of 22.5m and 23.8m respectively. As above, such a separation distance is considered to be appropriate and within the guidance parameters set out in Creating Places. It is not considered therefore that this property would be detrimentally affected by loss of light or privacy – albeit as above new development to the rear of their property will represent a significant change to that which they experience at present.

No 30 Tollymore Brae is also sufficiently separated from the proposed dwelling at Plot 4 by a back to back distance of 25.5m. At No 39 the relationship is noted to be gable to gable and no issues have been raised or are considered to be of concern.

Based on the above assessment, I consider that the design and layout of the proposal will not result in detrimental harm to existing and proposed properties.

(I) The development is designed to deter crime and promote personal safety.

It is considered that the proposal could comply with this satisfactorily.

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

PPS7 Addendum – Safeguarding the Character of Established Residential Areas.

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

(a) the proposed density of the development is similar than that immediately adjacent and is therefore appropriate to its setting in this settlement location

(b) the pattern of development is keeping with adjacent and would therefore be detrimental to the overall character and environmental quality of the established residential area as discussed under PPS7;

(c) All 8 units are proposed to be built in adherence to the details as set out in Annex A.

PPS 12 - Housing in Settlements

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

PPS 2 – Natural Heritage Interests

Policy NH 1 – European & Ramsar Sites

Murlough SAC is located 1.8km upstream from the site. In assessment of this Newry Mourne and Down District Council carried out a consultation with Shared Environmental Services (SES) who carried out a Habitats Regulation Assessment on our behalf.

Newry, Mourne and Down District Council, in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 16/03/2021. This found that the project would not be likely to have an adverse effect on the integrity of any European site and the proposal is therefore compliant with Policy NH1 of PP2 also.

Policy NH 2 – Species Protected by Law.

In assessment of the Ecology of the site a Preliminary Ecological Assessment was submitted as part of the proposal. This PEA was sent to Northern Ireland Environment Agency who having reviewed that submitted are content that the proposed development is unlikely to impact badger setts or otter holts in the area. Trees within the vicinity of the site were considered to have low bat roosting potential. These trees are to be retained as part of the scheme and therefore no further surveys were considered necessary.

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

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

the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

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

the proposal respects:

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

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

PPS 3 – Access, Movement and Parking

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

- (A) Such an access will not prejudice road safety or significantly inconvenience the flow of traffic.

In assessment of this, a consultation with DfI Roads has taken place, which has concluded in the presentation of an acceptable road layout and pedestrian footway. The proposal therefore complies with the requirements of PPS 3.

It follows therefore that, while the objectors concerns regarding traffic are noted, DfI Roads consider the proposal to be satisfactory in terms of road safety.

PPS 15 Flooding Interests

In assessment of the flooding interest of the site, it is noted that all of the objectors are concerned about the impact this proposal will have on the flooding issues that occur in the area and indeed how they will be affected within their own properties by flooding issues potentially caused by this proposal.

The Planning Authority have therefore undertaken a lengthy consultation with DfI Rivers Planning Advisory Unit and sent them information passed to the Planning Authority by objectors and concerned neighbours of the site.

DfI Rivers has informed the Planning Authority that portions of the site lie within the 1 in 100 year fluvial flood plain. As such a Flood Risk Assessment (FRA) was considered necessary and having reviewed that submitted accept its logic and has no reason to disagree with its conclusions. They consider that the proposal to place built development including gardens and road on elevated land out of the floodplains with a suitable freeboard to be acceptable and therefore Policy FLD 1 has been complied with.

In terms of FLD 2 – Protection of Flood Defence and Drainage infrastructure, Rivers advise that the plans indicate that the development is to be suitably distanced from the watercourse with the required maintenance strip in place.

In assessment of FLD 3 Development and Surface Water a Drainage Assessment has been submitted. Upon review of this DfI Rivers note that it is a preliminary drainage design and therefore an appropriate condition will be attached to any forthcoming approval to ensure that prior to commencement of development a drainage assessment compliant with FLD3 and Sewer for adoption NI will be submitted to the Planning Authority for consideration and approval.

Policy FLD 4 is not applicable to this site.

In assessment of FLD 5 and the proposals proximity to reservoirs DfI Rives advise that they are in possession of information that the nearest reservoir has 'Responsible Reservoir Manager Status' and there are therefore no reasons to object to the proposal from a reservoir flood perspective.

It is considered therefore that the proposal complies with the requirements of PPS 15.

Other Matters

Following a consultation with NIW, the Council have been advised that a public water main is available to serve this proposal. However, the sewer network is currently at capacity, it is considered appropriate therefore to negatively condition the development so that this issue is resolved prior to commencement of development.

A number of objectors raised concerns that approval of this development will result in the loss of open space. As indicated above, the site is an open undeveloped portion of land that is at present separated from existing development by a timber close board fence. This area is not presently used as open space by the residents of Tollymore Brae.

In assessment of the history – LA07/2010/0108/F and LA07/2010/0817/F, it is noted that this current application site has been annotated on some of the drawings as open space. This land was however, outside the red line of these applications and was not conditioned to be developed or maintained as open space. I consider therefore, that there is no loss of open space for the residents of Tollymore Brae.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees and the objection letters it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.

Drawings

The Drawings considered as part of this assessment are as follows

01, 02 Rev C, 03 Rev C, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 20-1356-300 Rev P4, 20-1356-301 Rev P1 and 20-1356-303 Rev P1.

Recommendation: APPROVAL

CONDITIONS

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans 01, 02 Rev C, 03 Rev C, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 20-1356-300 Rev P4, 20-1356-301 Rev P1 and 20-1356-303 Rev P1.

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. Council Planning 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. 20-1356-300 rev P4 bearing the date stamp 15/06/2021

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

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

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

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces

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

6. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the DFI Roads Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

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

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

8. The appointed contractor must submit a Final Construction Method Statement (CMS) for approval by Newry City, Mourne and Down District Council Planning. This approval must be received in writing by the contractor before they commence any works on site. This plan should contain all appropriate environmental mitigation as detailed in DAERA NIEA WMU standing advice on working near watercourses.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will negate any potential effects on the hydrological connected features of Murlough SAC.

9. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge for a private WWTW has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU and a current Schedule 6 consent to discharge surface water under the Drainage (Northern Ireland) Order 1973 has been obtained from DFI Rivers.

Reason: To ensure a practical solution to sewage and surface water disposal is possible at this site that will protect hydrologically connected features of Murlough SAC.

10. The 5m maintenance strip within the development along the adjacent watercourses as shown on Drawing No 02, shall be retained in perpetuity. No development should occur within this

maintenance strip and it should also be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development.

Reason: To ensure access to and from the maintenance strip is available at all times

11. Prior to the commencement of any development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for approval.

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

12. The existing vegetation of the site as indicated on Drawings No 03 Rev C shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

13. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing No **03 Rev C**. The works shall be carried out prior to the occupation of any part of the development. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

14. No dwelling shall be occupied until a landscape management and maintenance plan for has been submitted to and approved by the Council. The plan shall set out the period of the plan; long term objectives; management responsibilities, performance measures and maintenance

schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

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

Case Officer: C Cooney
Authorised Officer: A.McAlarney

Date: 08 July 2021
Date: 08 July 2021



REFERENCE
LA07/2021/0058/F
LOCATION
East of Tollymore Brae, Newcastle
PROPOSAL
8 no proposed dwellings and associated works
RECOMMENDATION
Approval

1. The Planning Authority have recommended this application for approval.
2. Before I acquired this site, I obtained advice from the Planning Authority, Rivers Agency and the Northern Ireland Environment Agency with regard to the principle of development and the opinion of all the statutory bodies consulted was that a residential development on the site would be acceptable in principle.
3. On the strength of these professional opinions, I then proceeded to purchase the site.
4. Further consultation was undertaken with the planning office prior to lodging the application, and I was advised to submit a full a planning application.
5. No built development whatsoever is to be located within the flood plain. Additionally there is to be no interference to the existing flood defence system.
6. There are other similar applications in Newcastle which have recently been constructed such as an additional 8 houses located on Marguerite Drive , as well as "The Corragh" and "Annacrievey" on the Bryansford Road.
7. The application will result in a high quality, medium density development of 8 houses on vacant land with provision of an attractive new landscaped area of open space including mature trees, seating areas and some 2,300m2 communal grass space which will serve the entire development of Tollymore Brae and beyond.
8. Approval of the application will allow for investment in the site with regard to removal of the Japanese Knotweed which is currently infesting parts of the site as noted in the invasive species management plan prepared by Ecology NI. This currently poses a risk to all neighbouring properties.
9. The approval of this application will also allow for removal of materials which have been fly-tipped on the site and builders waste which has been illegally dumped and that currently poses environmental and health risks.
10. Rivers Agency have been made aware in detail of objections submitted to the application and have no concerns whatsoever and therefore have no objections to the application.



11. Notwithstanding this I acknowledge that the objections to the application, mainly submitted from Eliza Close to the rear. We have designed the development in accordance with DFI's design guide "Creating places". One of the concerns raised is that of privacy – however the Council's accepted separation distance between the rear of houses is 20m. We have proposed building to building gaps of 23 and 28m – so we could have actually proposed that the houses were 3m and 8m closer in an attempt to increase density. Instead the decision was made to propose a lower density development in keeping with the grain of Tollymore Brae.
12. Another key concern of the objectors seems to be that of flooding – however no built development is proposed on the flood plain and Rivers Agency have no objection. Rivers Agency have deemed that there will be no increase in flood risk to any of the existing properties in the area. (Before I acquired the site I had checked this with Rivers Agency.)
13. A high quality area of open space will be provided as a result of the application which all of the residents in the adjoining areas can use and enjoy.
14. Several amendments were requested during the course of the application including removal of 1 dwelling, provision of more detail with regard to the landscaping plan in addition to provision of sections running through the site. All information requests were addressed to the satisfaction of the planning office which resulted on the planning authority recommending approval of the application.
15. I respectfully request that the Planning Committee agree with the case officers recommendation.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2020/1477/O

Date Received:

15.10.2020

Proposal:

Proposed infill dwelling

Location:

Lands immediately adjacent and west of 61 Ameracam Lane Cranfield BT34 4LN

Note: During a site visit it was noticed that the dwelling east of the application site had a plaque on the gate numbered as No. 57. Correspondence with the agent confirmed that the dwelling was known as both Nos. 57 and 61 and post was received for both numbers at this address. The agent also confirmed that this dwelling was the applicant's dwelling also. Therefore, the Planning Department are content with the address of this application.

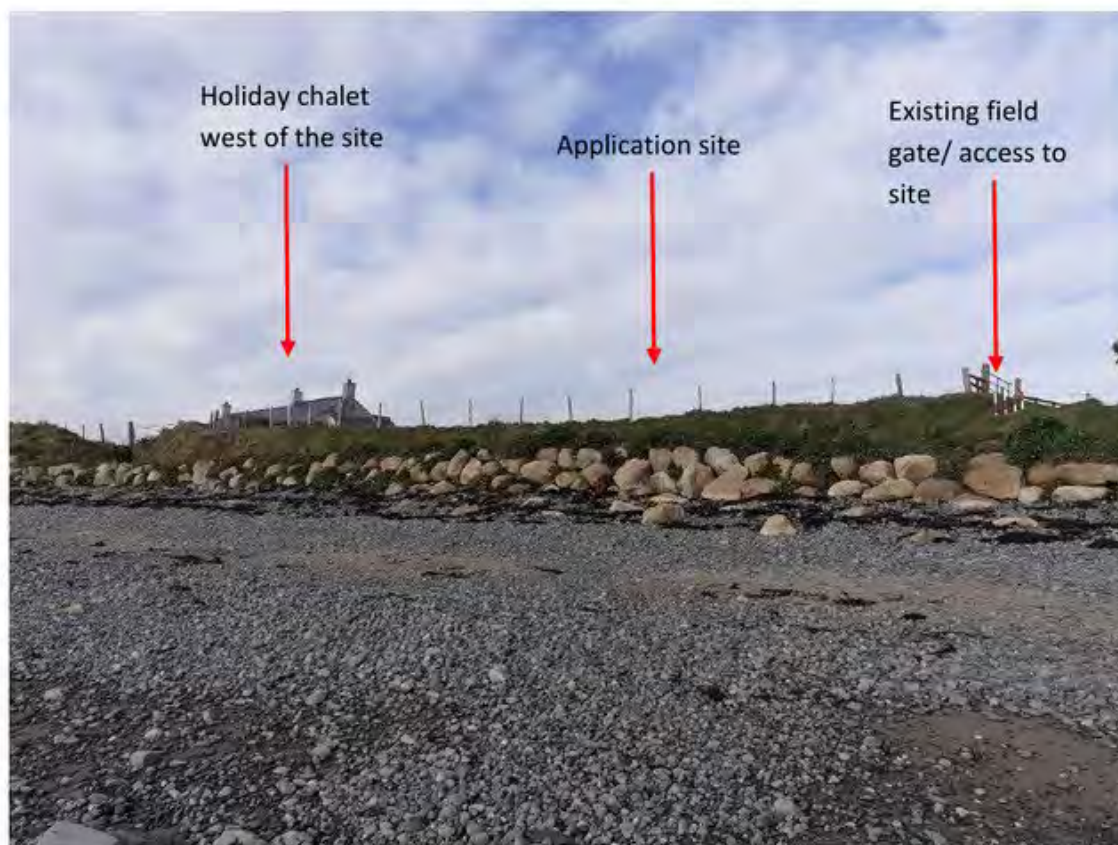
Site Characteristics & Area Characteristics:

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

The site is located between Nos. 61 Ameracam Lane (served by Ameracam Lane) to the east and 2 holiday chalets (served by Fair Road) to the west. The site can be accessed off Ameracam Lane which ceases at the eastern boundary of the site. A footpath is located along the southern boundary of the site until it reaches Fair Road to the west of the site. The site is currently in use as an agricultural field and appears to be well maintained. The eastern boundary is defined by a low concrete wall, the north and western boundaries by a post and wire fence and hedgerow and the southern boundary by a post and wire fence. The topography of the site is relatively flat. The site has views towards the shore and is in very close proximity to Cranfield beach to the south.



Application site



Application site viewed from Cranfield Beach

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 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- PPS 2: Natural Heritage
- DCAN 15: Parking Requirements

Site History:

No planning history for application site. There is some history for the lands adjacent the site:

Land west of the site:

- P/2010/0012/F - 100 metres east of 50 Fair Road, Greencastle, Kilkeel - Erection of 2 holiday chalets – Permission granted, 31.05.2012. These chalets have since been built but don't appear to be in use.
- LA07/2017/0321/CA - 100m East Of 50 Fair Road, Kilkeel, Down, BT34 4LS - Non compliance with planning approval reference number P/2010/0012/F - Increase in floor level of House Type A – Negotiate to resolve
- LA07/2021/0629/LDP - 100m east of 50 Fair Road Greencastle Kilkeel - Erection of 2No. holiday chalets approved under planning permission P/2010/0012/F – Under consideration

Land north of site:

- P/2010/1485/F - 170m South of No 12 Fair Road, Kilkeel - Proposed activity centre and car park with erection of temporary office, store, toilet and lockers – Permission granted.

Consultations:

DfI Roads – No objections

NI Water – Generic

DfI Rivers – No objections

HED – Content

SES – No objections subject to conditions

NIEA – NED: No concerns subject to conditions

Marine and Fisheries Division: has considered the impacts of the proposal on the marine environment and on the basis of the information supplied considers that the proposal is contrary to policy and due to a lack of available scientific data is unable to determine if the proposal will have a significant long term impact on coastal processes and marine protected habitats.

Marine and Fisheries Division have outlined that the application site lies in close proximity to several marine protected areas and is situated within an area at high risk

of coastal erosion and the impacts of climate change such as sea level rise and increased storm events.

The response went on to state that while the impact of climate change, sea level rise and increased storminess is largely unknown, it is now widely accepted that climate change is happening and at a considerably faster rate than previously advised. Storms are increasing in frequency and intensity and sea level is rising. Therefore, in areas known to be experiencing coastal flooding and/or erosion, a precautionary approach should be taken.

I contacted the NIEA officer dealing with the application to get some further clarification and guidance. The case officer outlined that the most recent response was notifying the Planning Department that there is not enough reliable scientific evidence to show what sea level rise will be and how it will impact the shoreline over the life time of proposed developments, therefore they cannot advise on what the impacts will be on the marine environment. It was outlined that NIEA do not require any further information and that the planning authority are the decision maker and must therefore determine the suitability of the proposal as further advice cannot be given.

It was outlined that the Planning Department must refer to the precautionary principle and refuse the proposal unless it can be demonstrated that it will not be impacted by climate change or there are overriding reasons of public interest which would justify the development going ahead.

The agent was advised of NIEA's response 17th December 2020. I received an email from the agent 18th December addressing NIEA's concerns. The points within the email include;

- Within a previous shoreline improvement scheme (LA07/2016/0668/F), NIEA provided a response which it described Cranfield Beach as "relatively stable along this section of coastline".
- The thrust of the SPPS regarding Coastal Development is to avoid inappropriate development along the undeveloped coast. Paragraph 6.37 of the SPPS directs development towards coastal settlements and other parts of the developed coast. Due to the major developments such as large Caravan Parks which contribute to the economy, numerous dwellings as well as public play parks, walkways and coastal defences the application site is located within part of the "developed coastline". The potential adverse impacts of the development are negligible considering the existing coastline protection measures already in place and the set back of the development from the coastline.
- The PAC case 2019/A0095 along Fair Road is not comparable to this application. This application was considered to be part of the undeveloped coast, and would exacerbate erosion along this stretch of coastline. The Ameracam Lane however can be considered as part of the development

coastline due to the close proximity of existing major developments which contribute to a more sustainable economy.

The agent was advised 8th January 2021 that his comments would be uploaded onto the Portal for formal comment by NIEA. During a phone call conversation, the agent advised that further information/justification would be submitted for re-consultation with NIEA. An email from the agent 18th January stated that they were trying to get in contact with Jen Firth of NIEA for advice.

I was CC'd into email correspondence between Jen Firth and the agent from 19th – 25th January. Points made within the emails by Jen Firth are below:

- We are trying to protect applicants from building in inappropriate areas, especially those which have been identified as at high risk. It is possible that coastal erosion will significantly escalate in the coming years and we feel it would be irresponsible to not highlight these risks to applicants and planning authorities when assessing new development on the coastline.
- The presence of existing rock armouring (along Cranfield Beach) provides evidence that this part of the coast is vulnerable to erosion which has already had such an impact that defences are required. Unfortunately, the presence of existing defences does not automatically allow for new development, especially in an area of undeveloped coast where the new development would have the effect of coastal squeeze on the area (SPPS 2015 - Coastal development (squeeze) Section 6.33 states that "The RDS recognises that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats, and to help adaption to climate change, and accordingly states the landscape setting of features should also be conserved") and could add existing pressure to access roads already suffering erosion impacts by increasing traffic.
- (In relation to LA07/2016/0668/F response - Cranfield Beach) The response refers to an area of amenity, economic and tourism value due to the presence of several large caravan parks and popular beach. This cannot be compared to a proposal for a single dwelling in an undeveloped part of the coast Areas of high tourism and or economic value will be assessed differently to single dwelling applications in accordance with the relevant policies.
- I have to disagree that this is a developed area as the site does not lie within the caravan park or as part of the tourism development; however I would be open to discussion with the Planning Authority on this.
- Unfortunately, we cannot change our advice as it is in line with current climate change policy. To go against this would be going against or statutory duties.
- Should the Planning Authority wish to re-consult us with further queries, we will respond, however I cannot imagine that our advice will change.

Following the email correspondence, I made a phone call to the agent to advise that any further information would need to be submitted formally for a formal re-

consultation with NIEA. No further information requiring re-consultation has been received.

Note: Alongside this application, a Coastline and Coastal Erosion Report was submitted. Jen Firth confirmed via email 14th April 2021 that “the coastal erosion report does not appear to alleviate our concerns or offer sufficient information to demonstrate this site has not been impacted by erosion or will not be impacted by erosion in the future.”

Objections & Representations:

Three neighbour notification letters were issued 16.11.2020. Following an amended red line for DfI Roads, a further 13 letters were issued 08.04.2021.

The application was advertised in the local press 27.10.2020. As the amended red line was for Roads purposes only, re-advertisement of the application was not required.

No representations or objections have been received to date (23.04.2021).

Assessment

Proposal

The proposal is an outline application for the erection of a dwelling on an infill site immediately adjacent and west of 61 Ameracam Lane. No floorplans or elevations have been submitted with this application, these would be required at reserved matters stage.

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.

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. The site in question sits along Ameracam Lane. This road ends at the eastern boundary of the site. The development west of the site is accessed via Fair Road.

An email was sent to the agent 17th December 2020 advising that the Department consider the proposal contrary to CTY 1 and CTY 8 of PPS 21 in that the proposed site does not represent a gap site and therefore there is no infill opportunity. The email went on to state that the subject site is accessed from Ameracam Lane which stops in front of No. 61 Ameracam Lane. The site and buildings to the west of the application site are accessed via a different road. No road extends along the southern boundaries of these sites, only a right of way. Moreover, the plans for the buildings to the west of the site (P/2010/0012/F for 2 holiday chalets which are available online) show that the approved curtilage of these buildings does not extend down towards the shore. Therefore, for the reasons outlined above, the proposal is considered to be contrary to CTY 8 as the site is essentially located along a different road frontage than the development to the west.

The agent provided a response 18th December outlining that the justification and amplification text of Policy CTY8 state that "*For the purposes of this policy a road frontage includes a footpath or private lane*". The agent attached a screenshot from the document "Mourne Outdoor Recreation Plan 2014" in which it describes the right of way from Ameracam Lane to Fair Road as a "footpath" which measures 1,347m. Therefore, this is one continuous footpath running along the dwellings along Ameracam Lane, the gap site and the holiday chalets to the west of the gap site.

The agent's justification was discussed further internally, and the Department accept that the footpath along the southern boundary of the application site represents a frontage. There are dwellings immediately east and west of the site (more than 3) and therefore it is considered that there is a substantial and continuously built up frontage and that the application site is considered a gap site that could accommodate 1 dwelling.

Policy CTY 8 and the steps laid out by the PAC outlined above also requires that the development of a gap site must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. As this is an outline application, no details of the size or scale of the proposed dwelling have been submitted. Within the context of the area and as the adjacent dwellings are a mixture of single and 1 ½ storey dwellings of different styles and designs. The dwellings either side of the site

are small single storeys therefore it is considered necessary to attach a condition to any approval restricting the ridge height of the proposed dwellings.

The development of a gap site must also satisfy the integration policies of CTY 13 and CTY 14.

Policy CTY 13 identifies seven cases where a new building in the countryside will be unacceptable for integration and design reasons:

- (a) The site is a gap site in between detached single storey dwellings. However further east of the site there is a mixture of bigger dwellings all of different masses and designs as shown in the photo below.



The site is visible from Fair Road to the west, Cranfield Beach to the south and Ameracam Lane to the east. It is considered that due to the existing built form and developed nature of the surrounding land, 1 dwelling on this site would not appear to be a prominent feature in the landscape albeit with a ridge height condition attached to any approval.

(b) The site will be able to provide a suitable degree of enclosure for the dwelling. All boundaries are currently defined. A condition will be attached to any approval to ensure a proposed landscape plan is submitted as part of the Reserved Matters application.

(c) The proposed dwelling does not rely primarily on new landscaping for integration. The existing built form of the locality and the site's relationship with the adjacent dwellings ensures that dwelling will integrate into the landscape and will not be a prominent feature. However, as outlined above a condition will be attached to any approval ensuring that landscaping details are to be confirmed through a reserved matters planning application.

(d) Ancillary works should be able to integrate into the landscape.

(e) The design of the dwelling is to be confirmed through a reserved matters application and will be assessed then.

(f) The dwelling will not fail to blend with the landform.

(g) This criterion is not applicable as this is not an application for a dwelling on a farm.

Overall the proposed development satisfies the policy requirements of Policy CTY 13.

Policy CTY 14 seeks to ensure that new buildings in the countryside do not cause a detrimental change to, or further erode the rural character of an area. There are five cases identified by this policy where a new building will be unacceptable:

- (a) The site is a gap site in between detached single storey dwellings with a number of larger 1 ½ storey dwellings further east. The site is visible from Fair Road to the west, Cranfield Beach to the south and Ameracam Lane to the east. It is considered that due to the existing built form and developed nature of the surrounding land, 1 dwelling on this site would not appear to be a prominent feature in the landscape albeit with a ridge height condition attached to any approval.
- (b) The proposed dwelling meets the requirements of Policy CTY 8 and will not result in a suburban style build-up of development when viewed with the existing buildings.
- (c) The proposed development respects the traditional pattern of settlement exhibited in the area.
- (d) The proposed dwelling is on a gap site which is compliant with Policy CTY 8.
- (e) Ancillary works are unlikely to damage the rural character.

The proposed development therefore meets the requirements of Policy CTY 14.

Access and 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. Within the consultation response, DfI Roads reminded Planning that

Other material considerations

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

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation (a buffer zone of a least 10m maintained between location of refuelling, *storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the southern boundary of the site*) is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Summary:

The agent was advised 1st April 2021 that following final internal discussions, the Department are re-iterating our comments outlined in the initial email sent 17th December in that the Department consider the proposal contrary to policy in that this area of the coast is known to be at risk from coastal erosion and insufficient information is available to determine that this development will not exacerbate the

coastal erosion problem in the future. The agent was reminded that NIEA were consulted 16.11.2020 with sight of the Coastal Erosion report that was submitted alongside this application and that correspondence between the agent and Jen Firth from NIEA outlined the fact that the information within their response is in line with current climate change.

No further information has been submitted which would suffice re-consultation with NIEA, therefore it is considered that the application is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that this area of the coast is known to be at risk from coastal erosion and insufficient information is available to determine that this development will not exacerbate the coastal erosion problem.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that this area of the coast is known to be at risk from coastal erosion and insufficient information is available to determine that this development will not exacerbate the coastal erosion problem.

Case Officer Signature: Eadaoin Farrell

Date: 23.04.2021

Appointed Officer Signature: M Keane

Date: 23-04-21



Reference	LA07/2020/1477/O
Location	Lands immediately adjacent and west of 61 Ameracam Lane Cranfield BT34 4LN
Proposal	Proposed infill dwelling

Response to Refusal Reasons

The Case Officer in their report accepted the principle of an infill dwelling on the site, therefore the main concern is whether or not the proposal will exacerbate coastal process and be impacted by climate change over its lifetime.

The basis of the Council refusal is from the advice that NIEA have offered. Within the response, NIEA referred to the need to protect the undeveloped coast from inappropriate development. This is an application for a single infill dwelling, which has already been accepted in principle, therefore it is not considered "inappropriate development". NIEA's main concern lies with the access, and the requirement to protect it in future. However as discussed, the proposed site and laneway is already protected by a large 1.5km stretch of sea defences, therefore the proposal will not result in additional need to protect the site.

Paragraph 6.37 of the SPDS directs development towards coastal settlements and **other parts of the developed coast**. Due to the major developments such as Cranfield Caravan Park, numerous dwellings as well as public play parks, walkways and coastal defences the application site is located along part of the "**developed coastline**". We therefore feel that the more onerous "undeveloped coastline" approach should not be applied to this application.

NIEA have consistently stated that they are not a decision maker, and can only advise the Planning Authority. It is up to the Planning Authority to determine whether or not this is a developed coastline. We feel that the Department have not assessed the situation on the ground i.e. the built up nature of the locality, the presence of public footpaths, play parks and caravan parks as well as the existing sea defences.

Savage Associate concluded that the existing rock armour is currently stable and showing no signs of needing repair.

The applicant has lived on this lane for most of his life, so he is well aware of the coastal processes. He would not intend on building on the site if he thought there was a significant risk of coastal erosion. This application could be easily approved with an informative attached making the applicant aware that any future applications to protect the site may be refused. This puts all the responsibility on the applicant whether to build this dwelling out or not. This was an approach utilised by the council recently in approving an application along the shore of Strangford Lough (LA07/2020/0834/F).



To conclude, we reiterate the fact that this application will not exacerbate coastal erosion along this section of coastline or be impacted by climate change during its lifetime.

- The existing sea defences are already in place and have been in place for over 20 years.
- The report carried out by Savage Associates concluded that the existing rock armour shows no signs of deteriorating.
- The application is in a built-up area and is considered a “developed coast”.

This application should be assessed as it sits on the ground, taking into account all of the above. For these reasons, we respectfully request that the case officer recommendation is overturned and approval is recommended.



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

Application Reference: LA07/2020/1627/F

Date Received: 09/11/2020

Proposal: Proposed replacement dwelling

Location: 72 Newry Road, Mayobridge, Newry, BT34 2EU

Site Characteristics & Area Characteristics:

The application seeks to replace an existing dwelling located along Newry Road approximately 0.5m outside the settlement limit of Mayobridge. The dwelling has a hipped roof and appears single storey from the front elevation but has a one and half storey rear projection. There is an existing grassed garden area to the front and side of the dwelling. Access can be gained to the east of the dwelling and parking and turning is available at the large area of hardstanding the rear. the dwelling forms part of a row of three dwelling which read as bungalows. The site is located outside any defined settlement limits, within an Area of Outstanding Natural Beauty and in close proximity to Edenmore Cashel (DOW 047:079), a regionally important archaeological monument.



Planning Policies & Material Considerations:

This application will be assessed under the following planning policies:

- Strategic Planning Policy Statement for Northern Ireland
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 6- Planning Archaeology and the Built Heritage

Site History:

- *LA07/2019/0048/F*- Single storey extension to provide new kitchen/dining/living together with rear extensions to provide new bedroom/en-suite and porch. Permission granted 23/05/2019.

Consultations:

- *DFI Roads*- If the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DFI Roads has no further objection to this application. The B8 is a protected traffic route and Planning must be satisfied that this proposal is an exception to the policy. 72 Newry Road is an occupied dwelling and further consultations with DFI Roads were not necessary.
- *Historic Environment Division*- HED (Historic Monuments): The proposal is contrary to Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS in that the development, if permitted, would have an adverse impact upon the integrity of the setting of Edenmore Cashel (DOW 047:079) - a regionally important Scheduled Monument.

Objections & Representations

One neighbour was notified on 11/12/2020 and the application was advertised within one local newspapers (expiry 08/12/2020). No objections or representations have been received.

Strategic Planning Policy Statement for Northern Ireland

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

PPS21- Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

On 18th February 2021 correspondence was issued advising that the Planning Department are of the opinion that the proposal fails to meet Policy CTY3 of PPS21 in that it would have a visual impact significantly greater than the existing building. Amended plans were requested to reduce the proposal so that it is compliant with Policy CTY3.

The Agent requested a meeting and stated that Policy CTY3 also refers to integration and would contend that the proposed dwelling easily integrates into the site for the following reasons;

1. The site is not in a sensitive area. It is located on a main road and surrounded with an eclectic mix of dwellings both 2 storey and single storey. The site should be considered in the context of the surrounding development.
2. As well as dwellings the area has a number of commercial operations visually linked to the site most notably the large supermarket and petrol filling station.
3. The existing dwelling is surrounded by outbuildings and trees so the new dwelling would not be visible when travelling from Newry and be screened with adjacent dwellings (both single and 2 storey when approaching from Mayobridge)
4. The existing dwelling has an portion to the rear which has first floor development.
5. The existing dwelling utilises an existing access onto the public road so there will be no associated works to create an upgraded access which I itself can have a major visual impact.
6. The proposed dwelling is to be set back further than the existing dwelling.
7. Policy CTY3 specifically uses the term "significantly greater" and our proposal in not. Along this section of the Newry Road it would merely be seen as a new dwelling replacing an old one on a mature site.

A meeting was facilitated on 04/03/2021 between the Planning Department, Agent and Applicant. The issues above were discussed, and it was agreed that the Planning Department would review draft plans prior to formal submission. Comments from Historic Environment Division were outstanding at this time.

On 9th March 2021 the Agent advised that the applicant is willing to reduce the ground level of his site in order to accommodate the proposed dwelling. A drawing was attached showing the existing dwelling on site with the proposed dwelling superimposed with a floor level approx. 1.2m lower. Comments were requested on this plan and the Agent stated should the Planning Department still be unhappy with the proposal in this heavily built up area then he would ask that the application is recommended for refusal so we can approach local elected representatives and in turn get the application before the Planning Committee.

On 16th April 2021 the Agent was advised that the application was brought for further discussion and the planning department remain of the opinion that the proposal fails to meet Policy CTY3 of PPS21 in that it would have a visual impact significantly greater than the existing building. In addition, HED (Historic Monuments) advised that the proposal is contrary to Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS in that the development, if permitted, would have an adverse impact upon the integrity of the setting of Edenmore Cashel (DOW 047:079) - a regionally important Scheduled Monument. On this basis, the proposal will likely be recommended for refusal.

It was requested that the applicant/ agent advise if they wish to proceed with the proposal as submitted or submit both hard copies and PDF copy of amended plans no later than Friday 23rd April 2021. After this time, the application will be progressed based on information currently available as per the Council's Scheme of Delegation. On 16th April the Agent advised that he would speak to the applicant and reply the following week. To date, no further correspondence or plans have been submitted and the application will be progressed based on information submitted to date.

In order to comply with Policy CTY3, applications must meet the following criteria:

- *Dwelling to be replaced must exhibit the essential characteristics of a dwelling (as a minimum all external structural walls substantially intact)*
The building has the essential characteristics of a replacement dwelling and is fully intact and occupied.
- *Proposed dwelling must be sited within the established curtilage of the existing building (Curtilage is defined as the immediate, usually defined and enclosed area surrounding an existing or former dwelling house) unless (a) the curtilage is so restricted that it could not reasonably accommodate a modest size dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.*

The replacement dwelling is proposed to be sited partly on the footprint of the existing dwelling but the front elevation will be 2m back from the existing front elevation. The dwelling will be sited within the curtilage of the existing building which is acceptable.

- *The overall size of the new dwelling must integrate into the surrounding landscape and have no significantly greater visual impact than the existing building.*
The existing dwelling has the appearance of a single storey dwelling from the front elevation with a simple storm porch and single window opening each side. The dwelling forms part of a row of three dwellings which have the appearance of bungalows from the roadside. The one and half storey rear portion is not visible from the public road.

The proposed replacement dwelling is two storey with a ridge height of 8m and a frontage elevation extending to 15.3m in width. The proposal occupies a significantly larger footprint than the existing dwelling and the scale, massing and height of the proposal would result in a significantly greater visual impact and appear as dominant in the landscape.

- *The design of the replacement dwelling should be of a high quality appropriate to its rural setting.*

The design of the dwelling is not appropriate for the rural site and would appear as prominent in the landscape particularly on approach from Mayobridge.

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

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

DFI Roads are content with the access proposed and that it will not prejudice road safety or significantly inconvenience the flow of traffic.

The proposal is contrary with the criterion of Policy CTY3.

Policy CTY13

Policy CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. As detailed above, the proposal would represent a significantly greater visual impact than the original dwelling and would appear as prominent in the landscape on approach from Mayobridge. The design is inappropriate for the site and its locality. The site could not provide sufficient enclosure to allow a dwelling of this size and scale to integrate into the landscape. The proposal is considered to be contrary to criterion a,b and e of Policy CTY13.

Policy CTY14

Policy CTY14 relates to rural character and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As detailed above, it is considered that a building on the application site would be unduly prominent in the landscape which is contrary to criterion a of Policy CTY14.

Planning Policy Statement 6

The proposed development is in close proximity to Edenmore Cashel (DOW 047:079), a regionally important archaeological monument scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order, 1995. Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS refer in this case. Historic Environment Division have been consulted on the application and have advised of the following:

Policy BH 1 states "Development proposals which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances."

Edenmore Cashel (DOW 047:079) is a well preserved regionally important Scheduled Monument dating to the Early Medieval period. It is significant due to the quality and extent of its surviving remains making it unique in the local historic landscape. Although overgrown in areas the remains of the monument are substantial consisting of a continuous stone faced bank enclosing an interior approximately 34m in diameter.

The monument sits in an agricultural field adjacent to a dwelling and outbuilding of low ridge height and modest massing. The interior of the monument is lined with trees while a bank of trees lies outside the perimeter to the south-east. This rural landscape character contributes to the distinctive character of the setting of this regionally important monument and facilitates the integration of the existing adjacent development within the surrounding historic landscape.

HED (Historic Monuments) consider that the proposed development would adversely affect the integrity of the monuments setting. The adjacent buildings and surrounding agricultural field and planting contribute to the rural character of the monument's setting, which is also characterised by an absence of any neighbouring development of considerable scale or mass. The proposed scheme is to replace the existing storey-and-a-half dwelling with a two-storey dwelling of larger mass. Whilst the replacement dwelling is largely in-situ it does encroach further west towards the monument. The height and scale of the proposed dwelling would have a dominating effect, both visually and physically, on the immediate setting of the cashel. The magnitude of adverse visual effect is increased due to increased proximity and the local topography with the monument and dwelling situated on the same ground level.

Due to these adverse effects upon the integrity of the setting of this monument, The proposal is contrary to Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS in that the development, if permitted, would have an adverse impact upon the integrity of the setting of Edenmore Cashel (DOW 047:079) - a regionally important Scheduled Monument.

Planning Policy Statement 2- Natural Heritage

Policy NH6 relates to areas of Outstanding Natural Beauty and states that planning permission will only be granted where it is of an appropriate design, size and scale for the locality and sympathetic to the special character of the Area of Outstanding Natural Beauty. There are a number of dwelling and uses within the wider area and I don't think a reason of refusal in terms of the impacts on the special character of the AONB could be sustained.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary Para 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposal would have a visual impact significantly greater than the existing building and the overall size of the new dwelling would not allow it to integrate into the surrounding landscape.
 - The design of the replacement dwelling is not of a high quality appropriate to its rural setting
2. 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 site would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape
 - The design of the building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS in that the development, if permitted, would have an adverse impact upon the integrity of the setting of Edenmore Cashel (DOW 047:079) – a regionally important Scheduled Monument.
5. This refusal notice relates to the following plan: 2512-L, 2512-SP01, 2512/SK04 (Proposed Elevations and Floor Plans).

Case Officer Signature: E. Hart

Date: 05/05/2021

Appointed Officer Signature: M Keane

Date: 05-05-21



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

Application Reference: LA07/2020/1355/F

Date Received: 22/09/2020

Proposal: Erection of replacement dwelling with detached garage

Location: 90m north of 14 Upper Clontigora Road, Killeen, Newry

Site Characteristics & Area Characteristics:

The application site encompasses the building proposed to be replaced as well as the proposed off-site location (located north-east of this building). The building to be replaced is a two-storey structure set in close proximity to the public road. The field (proposed off-site location) is currently in use as grazing land. This field is bounded to the public road by low-level hedging and post and wire fencing.

The site is a rural area, outside any settlement limits as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The site is designated as an Area of Outstanding Natural Beauty (AONB).

Date of Site Visit: 02-11-2020

Site History:

Note the road has been re-named Upper Clontigora Road in recent years, and the house renumbered number 14.

P/2006/0324/F

- 22 Ram Road, Killeen, Newry
- Site for replacement dwelling and garage
- Permission Granted 14/08/2007.

P/2006/0328/F

- 90m northwest of 22 Ram Road, Killeen, Newry
- Site for dwelling and garage
- Permission Refused 15/08/2007

Refusal Reasons:

1. *The proposal is contrary to Policies SP 19, DES 4, DES 6 and HOU 8 of the Department's Planning Strategy for Northern Ireland in that the development when considered in the context of the existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up.*
2. *The proposal is contrary to the Joint Ministerial Statement of 31st January 2005 on the grounds of prematurity, as the Draft Banbridge/Newry and Mourne Area Plan 2015, which designated the area in which the site is located as the Newry Green Belt, has reached an advanced stage of preparation and the cumulative effect of an approval for this proposal, in conjunction with that for other applications for single dwellings in proposed Green Belts and Countryside Policy Areas in the Plan area which do not conform to the requirements of Policy GB/CPA3 of 'A Planning Strategy for Rural Northern Ireland', would be prejudicial to the outcome of the plan process, in particular:*
 - i. *The function of the Newry Green Belt as set out in Policies SP12 and GB/CPA1 of 'A Planning Strategy for Rural Northern Ireland; and*
 - ii. *The allocation of housing development between settlements and the countryside, by pre-determining decisions about the scale and location of new development which should properly be taken through the development plan process.*

P/2006/0332/F

- 90m north of 22 Ram Road
- Erection of dwelling house and domestic garage
- Permission Refused 15/08/2007

Refusal reasons:

1. *The proposal is contrary to Policies SP19, DES4, DES 5 and HOU8 8 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of lack of integration and as it is unduly conspicuous.*
2. *The proposal is contrary to Policies SP 19, DES 4, DES 6 and HOU 8 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of the existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up.*
3. *The proposal is contrary to policies DES7, SP19 and HOU8 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by creation of ribbon development along Ram Road.*
4. *The proposal is contrary to the Joint Ministerial Statement of 31st January 2005 on the grounds of prematurity, as the Draft Banbridge/Newry and Mourne Area Plan 2015, which designated the area in which the site is located as the Newry Green Belt, has reached an advanced stage of preparation and the cumulative effect of an approval for this proposal, in conjunction with that for other applications for single dwellings in proposed Green Belts and Countryside Policy Areas in the Plan area which do not*

conform to the requirements of Policy GB/CPA3 of 'A Planning Strategy for Rural Northern Ireland', would be prejudicial to the outcome of the plan process, in particular:

- i. The function of the Newry Green Belt as set out in Policies SP12 and GB/CPA1 of 'A Planning Strategy for Rural Northern Ireland; and*
- ii. The allocation of housing development between settlements and the countryside, by pre-determining decisions about the scale and location of new development which should properly be taken through the development plan process.*

P/2009/0627/F

- 22 Ram Road, Killeen, Newry
- Re-siting of replacement dwelling and garage previously approved under P/2006/0324/F
- Permission granted 04/08/2009.

Planning Policies and Material Considerations:

Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry Mourne Area Plan 2015

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Consultations:

Transport NI - No objection in principle to this application.

NI Water – Generic response to routine planning application

Objections and Representations:

One neighbour was notified of the proposal on 01/10/2020. The proposal was also advertised in local press on 06/10/2020.

No objections or representations have been submitted for consideration.

Consideration and Assessment:

Banbridge/Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for replacing a dwelling following publication of the SPPS, the retained planning policy is PPS 21 – Sustainable Development in the Countryside. This policy will be given substantial weight in determining the principle of the proposal in accordance of para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

Policy CTY 1 details the range of development that is considered acceptable in principle in the countryside. One such development is a replacement dwelling where it is in compliance with policy CTY 3.

Policy CTY 3 – Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings.

Following a site visit, I am satisfied that the proposal is a genuine replacement opportunity. The building exhibits essential characteristic of a dwelling, including two chimneys on each gable, a number of windows and a porch area.

The principle was established with approval of P/2006/0324/F and the building is still in a suitable condition for a replacement opportunity.

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

'The proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits';

The proposal is for an off-site replacement. Supplementary information forwarded by the applicant's agent notes that, due to the site's awkward shape and restrictive dimensions (adjoining a third party's commercial business to one side and the rear), the developable area of the existing dwelling is narrow in shape and limited. The agent has proposed that an on-site replacement would be difficult to achieve a dwelling fit for modern purpose, including parking, turning and manoeuvring space clear of the highway.

It has been proposed that the off-site location will bring about access, landscape and amenity benefits. The Planning Department have considered the evidence submitted for an off-site location in coordination with all other relevant planning policy. The Planning Department have concerns regarding the cumulative impact that this off-site location could have upon other policy considerations, and in this instance, cannot accept an off-site location. These concerns are discussed further in the relevant sections of this report.

The proposal is contrary to CTY 3 in that the alternative position does not result in demonstrable landscape, heritage, access or amenity benefits.

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

The building proposed to be replaced is a two-storey dwelling. The overall size of the new dwelling is appropriate

'The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness';

The design of the replacement is appropriate to its rural setting and has sufficient regard to local distinctiveness.

'All necessary services are available or can be provided without a significantly adverse impact on the environment or character of the locality'; and

All services can be provided without an adverse impact on the environment or character of the locality.

'Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic'.

DfI Roads are content with the proposed access. The proposal does not prejudice road safety or inconvenience the flow of traffic.

CTY 13 – Integration and Design of Buildings in the Countryside

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

It is considered that the proposed new building, given its proposed siting, would be a prominent feature in the landscape. The proposed off-site location does not have long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposal would rely primarily on the use of new landscaping for integration. The proposal does not blend with the surrounding natural features which provide a backdrop. Ancillary works integrate into their surroundings. The design of the building is appropriate for the site and its locality.

A previous application for a dwelling and detached garage on the proposed off-site location – namely P//2006/0332/F was refused Planning Permission for similar concerns regarding integration:

the development would, if permitted, be detrimental to the environmental quality of the area by reason of lack of integration and as it is unduly conspicuous.

CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The new building is unacceptable in that the off-site location is unduly prominent in the landscape. The proposal results in a suburban style build-up of development when viewed with existing and approved buildings. The proposal does not respect the traditional patterns of settlement exhibited in the area. The off-site location creates a ribbon of development along this stretch of the Upper Clontigora Road. Ancillary works do not damage rural character.

A previous application for a dwelling and detached garage on the proposed off-site location – P/2006/0332/F – was refused Planning Permission for similar concerns regarding ribbon development:

the development would, if permitted, adversely affect the visual amenity and character of the countryside by creation of ribbon development along Ram Road.

CTY 16 – Development relying on non-mains sewerage

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

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

The proposal is contrary to PPS 2 NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB.

The proposal does not threaten features of importance to the character, appearance or heritage of the landscape. The proposal is respectful of local architectural styles and patterns and local materials, design and colour.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of PPS 21, Sustainable Development in the Countryside in that the alternative position proposed does not result in demonstrable landscape, heritage, access or amenity benefits.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The new building is a prominent feature in the landscape.
 - The site does not have long established natural boundaries to provide a suitable degree of enclosure.
 - The proposal would rely primarily on the use of new landscaping for integration.
 - The proposal does not blend with the surrounding natural features which provide a backdrop.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - It is unduly prominent in the landscape.
 - It results in a suburban style build-up of development when viewed with existing and approved buildings.
 - It does not respect the traditional patterns of settlement exhibited in the area.
 - It creates a ribbon of development along the Upper Clontigora Road.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that:
 - The siting of the proposal is not sympathetic to the special character of the AONB and of the particular locality.

Case Officer: E.Moore

Authorised Officer: David Fitzsimon 22 April 2021

This application comes before the Committee with a refusal recommendation. Much has been made, by the planning department, of a history of refusals on the site and in its immediate surroundings. However, these refusals were based upon different policies, and they were issued by a different planning authority. Significantly, there have been no previous applications for a replacement dwelling on this site.

Five reasons for refusal have been laid out in the Agenda to this meeting. The case has been padded out, whereas the critical issues relate to the applicant's inability to replace the dwelling in situ and the question of whether this can outweigh any concerns about the site's capacity to accommodate a dwelling.

It is a central tenet of planning practice that exceptional factors will generally be sufficient to justify a departure from planning policy (if indeed such is required in this instance). Exceptionality arises here because of the complex ownership arrangements of the dwelling to be replaced and its immediately adjoining land. Put simply, there is no prospect of a new dwelling being constructed in situ.

Two previous approvals were granted, one permitting the replacement of the house in-situ and the later one close by. Neither of these permissions were capable of being lawfully implemented owing to contested land ownership. That issue remains live today. Not only is there the matter of the applicant being physically not entitled to construct a modern dwelling on-site, but even if there was enough land to replace in-situ, then an on-site replacement would be blighted by operations from an adjacent business.

Circumstances have changed since the previous approval was granted for an on-site replacement insofar as the business in question was not established when the original permission was granted next door. It has become established in the intervening time, and evidence has been presented to show that the original approvals for an on-site replacement were defective owing to bad title. Both issues mean that the applicant had to consider an alternative location nearby, of necessity.

An off-site replacement can be permitted where there are landscape, heritage, access or amenity benefits. We submit that there are landscape, access AND amenity BENEFITS.

What appears not to have been recognised by officers is that allowing an off-site replacement will shrink an existing ribbon of development, and it will allow for a visual buffer to be created to divide this proposal from the existing ribbon (i.e. the thicket surrounding the dwelling to be replaced). Shrinking an existing ribbon of development, in an AONB, should not have been dismissed so lightly. Despite inferences, the proposal will not result in ribbon development as the new dwelling will be set back from the road with no direct road frontage to the plot. This overall arrangement is a clear and obvious landscape benefit. We appreciate that the question of integration / enclosure at the proposed location has to be taken into account, but one can justifiably make a trade-off here, between seeking maximum enclosure / integration, and preserving the wider landscape by reducing the extent of an existing ribbon of development.

Replacing the dwelling at this alternative location will bring access benefits, given the inadequacy of the access to the original dwelling – it is blighted by inadequate sight lines and its curtilage is so restricted that cars (and service vehicles) could not enter and exit in forward gear. Vehicles would likely overspill onto the public highway, which would interfere with the free flow of passing traffic, and there is the added risk of accident arising due to vehicles emerging (not being able to see approaching traffic on the road because of vehicles parked within the verge).

Amenity benefits will arise due to the potential for conflict with the commercial business that runs adjacent to the dwelling to be replaced (if replacement in situ was forced upon the applicant). Not only is this business unsightly, but there is the potential for noise, nuisance and general disturbance. It is not reasonable to expect that entrepreneur to cease operating or to downgrade their operations just to facilitate this applicant.

While officers may feel that there are indeed benefits in relocating, perhaps they feel that the benefits do not outweigh the costs (in terms of supposed poor integration / poor enclosure etc.). While the Policy does not suggest that any disbenefits will automatically presume against a proposal (such as purported poor "integration") it is unequivocal in outlining when an off-site replacement will be permitted. Even if officers feel that under normal circumstances the costs would outweigh the benefits (of re-siting), cognisance has to be given to the fact that two previously permitted attempts to replace in-situ did not materialise due to contested land

ownership, and weight also has to be shown to the potential for conflict with an adjacent commercial business (that was not established at the time the original on-site approvals were granted).

Officers suggest the proposal does not result in demonstrable landscape, heritage, access or amenity benefits. However, there is no prescribed minimum level of benefit required in the Policy. The everyday meaning of the word benefit is to secure an advantage. The advantages in moving the dwelling are:

- A dwelling of modest dimensions could not be achieved within the folio of the dwelling to be replaced. The advantage gained is in the securing of a dwelling of modest dimensions, fit for single family habitation;
- Replacing the dwelling in-situ would result in parked cars overspilling onto the public road, or having to reverse out onto the road. Emergency services could not manoeuvre within the site. Replacing the dwelling at the alternative location will have the advantage of letting residents and visitors park their vehicles clear of the highway. It will also ensure that visitors or residents do not have to reverse onto the public road.

It is therefore simply not true to say that there will be no advantages whatsoever.

The planning and environmental issues can be summarised as: integration / enclosure / prominence; ribbon development; change in rural character / respecting the traditional pattern of settlement in the area. In terms of ribbon development / change in rural character / respecting the traditional pattern of settlement one cannot ignore that permission is being sought to replace a dwelling that is of replacement category, which currently lies within an existing ribbon of development. No weight appears to have been given to this.

There is acknowledgement of the applicant's argument in respect of the size and shape of the original site (and the argument that this would make it impossible to build the new house in situ) but there is no analysis of whether or not officers accept this is the case

There is acknowledgement of the applicant's argument that access and parking would not be compliant on-site (in the event the dwelling was replaced in situ) but there is no analysis of same;

There is acknowledgement of the applicant's argument that an on-site replacement would be blighted due to noise from the adjacent business but there is no analysis of same – there has been no mention whatsoever of the business to the rear of the site. Without an assessment of these considerations, officers cannot have fully or properly considered whether there is any reasonable alternative to what is proposed. Without understanding how realistic it would be to replace the dwelling in-situ, officers cannot have fully evaluated whether the lack of alternative to an off-site replacement outweighs the environmental considerations deemed to presume against this application;

There is no acknowledgement or analysis of the applicant's submission of folio maps that demonstrated the previous approvals to replace this dwelling were based upon the mistaken assumption that the (then) applicants owned all of the lands to which the red line boundaries then related – there is no acknowledgement that circumstances have changed (i.e. that it transpires the previous applicant did not own all the lands identified within the approvals) – so the earlier permissions (for an on-site replacement) were worthless and could not be implemented.

In relation to the concerns regarding cumulative impact, there has been no acknowledgement that the area is already built up or that this proposal is replacing a dwelling with another, so the cumulative effect is not actually greater;

As regards visual impact, albeit this site has a history, the applicant has had to watch permission granted for a 2-storey replacement on a 7 acre field nearby, whenever just two years ago that applicant had a proposal forcibly reduced to a single storey design due to the same concerns of prominence / lack of enclosure / lack of integration etc (LA07/2017/0099/F was the previous reference and LA07/2020/0671/F is the recent approval – this practice handled the 2017 application);

The applicant has become aware of the case of a replacement at 11 Flagstaff Road. That involved replacement of a semi-detached house, and moving it two fields away, despite the applicant owning the intervening lands (presumably the house could have been built closer then). Replacement dwellings are supposed to be remain attached. That approval extended a ribbon of development and opened up an opportunity for an additional infill dwelling next (LA07/2021/0191/RM) whereas this proposal will not owing to its set-back from the roadside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0893/F

Date Received: 06/07/2020

Proposal: Proposed erection of 2 no. detached rural infill dwelling houses and detached garages ancillary works and additional landscaping.

Location: 60 metres south of no. 49 Ballsmill Road, Glassdrumman, Crossmaglen.

Site Characteristics & Area Characteristics:

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

The site is an area of agricultural land on the edge of the public road, the site slopes towards the south west, the western boundary of the site is undefined given it being a portion of a larger field. The northern and southern boundaries are defined by the boundaries of adjacent existing properties, the roadside boundary is defined by existing hedges. Adjacent and south of the site is No 51 a detached single storey dwelling, north of the site is number 49 a detached dwelling with the appearance of a single storey property although it has a first-floor window in one gable. To the west of No 49 is a large building with a corrugated finish, this building shares the access with No 49 although it is set back behind the property and some distance from the road edge. Beyond No 49 and its associated building is a detached one and a half storey property No 47 set back from the road edge with a large driveway leading to the property from the public road.

The site is located within a rural area although there are a number of properties in the vicinity of the site, properties in the area vary in their design.

Site History:

P/2003/2830/F - Adjacent to and south of no 49 Ballsmill Road, Crossmaglen - 5 no dwellings with private drive and amenity site – Permission Refused 22/03/2004.

P/2004/2932/F - 60 metres south of 49 Ballsmill Road, Crossmaglen - Erection of dwelling – Permission Refused 16/02/2005.

P/2013/0063/F - 47 Ballsmill Road, Glassdrumman - Retention of existing dwelling – Permission Refused 20/02/2019.

P/2012/0085/CA - 47 Ballsmill Road, Glasdrumman - No.47 is not built as approved in terms of size and design – Appeal allowed, and enforcement case closed, as such the drawings that formed part of the previous application P/2013/0063/F are approved.

Planning Policies & Material Considerations:

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

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

Consultations:

DFI Roads – Amendments had been requested to show adequate visibility splays, the agent provided drawings and information and the latest response from DFI Roads raised no objections. More details regarding access will be provided within the main consideration of the report.

NI Water – No objections raised, conditions suggested.

Objections & Representations:

The application was advertised on 28/07/2020 and 09/03/2021, five neighbouring properties were notified on 22/07/2020 and again on 23/02/2021. Eight objections have been received from 6 different addresses and one letter of support has also been received, the points of objection and support will be outlined below and detailed consideration will be given within the main consideration of the proposal.

Points of objection:

- Applicant not in control of all the land required for the development.
- Proposal will impact on road safety in the area.
- Previous applications refused on the site.
- Proposal fails to meet policy CTY8.
- Proposal fails to meet policy CTY13.
- Proposal fails to meet policy CTY14.
- Proposal will see removal of hedges and so impact on nesting birds and plants.
- The proposal will result in a loss of amenity to existing properties.

Points of support:

- Proposal will provide homes in the area and allow residents to contribute to the community.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided

by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Principle of Development

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

Policy states that an exception will be to develop a small site sufficient only to accommodate up to a maximum of two dwellings, it is considered that the gap in question here is sufficient to accommodate a maximum of two dwellings.

The objections received raised concerns that the proposal failed to meet this policy as the site is not within a substantial and continuously built up frontage, not in keeping with plot sizes, the site is a visual break and that the proposal will result in ribbon development, these issues will be considered within this section of the report.

The application site has No 51 to the south, this property is considered to have a frontage to the road. To the north No 49 is considered to have a frontage to the public road although its associated building set to the rear is not considered to have a frontage to the public road. Beyond No 49 is No 47, this property is set slightly back from the road edge with a wide driveway providing access to the public road. The application that was made under reference P/2013/0063/F for the retention of No 47 includes a large red line that extended to the road edge and to the boundary with No 49. Although this application was refused the action taken as part of the enforcement case was appealed and a consequence of this was that the drawings submitted under application P/2013/0063/F were approved and as such the red line extending to the public road and boundary with No 49 must be considered as approved curtilage and given this the property No 47 is seen to have a frontage with the public road. It is considered that the application site is a gap within a substantial and continuously built up frontage.

Policy states that any proposal should respect the existing development in terms of size, scale, siting and plot size. It is considered that the frontage of each plot is similar to others in the area including No's 49 and 51. The plot sizes in the area vary with the proposed being similar in size to No 51, consideration must also be given to the large

plot size at No 47 as approved. It is considered that the frontage and plot size of the proposal are in keeping with the existing area.

As the proposal is considered an infill opportunity it will not result in ribbon development but instead the principle of development is considered acceptable with regards to an infill under policy CTY8.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set.

The objections received stated that they consider the proposal to fail to meet all the requirements of the policy in that they consider the proposal will be prominent, that the site lacks natural boundaries and enclosure and that the proposal relies on new landscaping.

The site is set between existing development and given the existing properties and layout of the road the proposed dwellings will only be visible when travelling along a short stretch of the public road and so the proposal would not be considered a prominent feature in the landscape.

Although the application site does not have mature vegetation along its boundaries it does have development on either side of the site which provides a degree of enclosure for the buildings to integrate. As previously stated the dwelling will only be visible along a short section of the public road with existing development on either side providing screening. The proposal includes additional planting along the road frontage and other boundaries, there will also be further planting within each plot, this planting will help to further enclose the site and screen it from views and so help to further integrate the development. It is not considered that the proposal relies primarily on the use of new landscaping for integration but as previously stated existing development and the layout of the public road allows the development to integrate.

It is also considered that any ancillary works will integrate into the surroundings.

The proposed dwellings are modest one and a half storey properties with ridge heights of 6.4 metres above finished floor level, the properties are quite traditional in design and include chimneys to the ridge, small front porch and traditional window openings. The design also includes a small side return to each property and dormer windows to the front which extend from the wall plate.

The proposed single garages are small in their size and scale and designed in keeping with the proposed properties.

The proposed dwellings are set slightly back from the road edge behind the line of existing development, this will help the proposed development further integrate into the area and reduce views when travelling along the public road in both directions. The proposed layout drawing shows adequate provision for amenity space and parking provision, the layout includes details of landscaping.

The design and layout of the proposal are considered appropriate for the site and its locality and it blends with the landform and buildings within the area.

The proposal is considered to comply with the requirements of policy CTY13, the points of objection raised have been considered fully and do not warrant a change of opinion.

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area.

The objections received state that they consider the proposal fails to comply with this policy as the proposal will result in ribbon development and a suburban build up.

The proposed development is not considered unduly prominent as existing development on either side will help to screen the development. It is also considered that the proposal will not result in a suburban build-up of development as the proposal is considered an infill opportunity and in line with policy CTY8 and as such is considered to respect the pattern of development in the area.

As the proposal is considered an infill opportunity under policy CTY8, the proposal is not considered as ribbon development for this reason, it is also considered that ancillary works would not damage the rural character of the area, policy allows for necessary visibility splays.

Having considered the points of objection and the policy requirements it is considered that the proposal complies with the requirements of policy CTY14.

Amenity

One of the points of objection raised was that the proposal would impact on the amenity of neighbouring properties.

It is considered that given the distance between existing development and also that there are no first-floor gable windows within the proposed dwellings there will be no loss of amenity due to overlooking.

It is not considered that the proposal will unduly impact on the privacy or amenity of any neighbouring properties.

Other areas of objection

An area of objection related to lands outside the ownership of the applicant, the application required the increase in the red line to provide adequate visibility splays, as such the site now includes land outside the ownership of the applicant, the agent has provided details to show that notice was served on the relevant land owners.

Objectors are entitled to object to their land being used as part of the proposed development, however any planning permission does not confer title and it will be the responsibility of the developer to ensure they have control or ownership of any land required to carry out the development. Given that relevant landowners have been served notice by the applicant the statutory obligations have been fulfilled, also no legal information has been provided by any objector to establish the ownership of any land in question. The issue of ownership has been fully considered and the recommendation remains unchanged.

It has been stated within objections that given previous applications on the site were refused that this current application should also be refused. The previous applications P/2003/2830/F and P/2004/2932/F were considered under the relevant planning policies at that time, since then new policy has been published and so this application will be considered under current relevant policy and the previous refusals on the site do not automatically warrant that this application should be refused. The issue of the history on the site has been considered.

One objection received raised a concern that the removal of the hedge along the frontage would impact on nesting birds and plants along this area of the site. The removal of hedges during nesting season would be an offence under the Wildlife (NI)

Order 1985 and as such the applicant and developer would be required to comply with the Order and ensure any works are carried out at the appropriate time. Unless any plant to be removed was protected then there would be no issues with its removal and if it was felt that a protected plant was being removed this could be reported to the relevant authorities. The issue with nesting birds and plant removal has been considered.

Access and Parking

DFI Roads had raised concerns with regards to the level of visibility splays required for the development, the agent had submitted information to try and persuade DFI to reduce the level required. DFI Roads did not agree to a reduced level of splays, information was also submitted on behalf of objectors in the form of a traffic speed survey to try and show that the splays requested by DFI Roads are as required. The agent has subsequently increased the red line and visibility splays and served notice on the land owners, as such the latest response from DFI Roads raised no objections to the proposed access arrangement and as such it is considered that the access as shown on amended drawings will be acceptable and not impact on road safety in the area as was suggested within objections received.

Development relying on non-mains sewerage.

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

The proposal has been considered in accordance with relevant policy and the points of objection raised have been fully considered within this report.

Recommendation: Approval

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: Drawing No's PL-01 Rev C, PL-03 Rev C and PL-04.

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No PL-03 Rev C and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season following the occupation of the first of the dwellings hereby approved.

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

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

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

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No PL-03 Rev C, 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. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

7. The materials to be used in the construction of the external surfaces of the dwelling and garage hereby permitted, shall be in accordance with those detailed on the approved drawing No PL-04.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the rural area.

8. No construction to be made, trees planted, or other obstruction made within
 • 3m (or 1.5 times the depth whichever is greater) of sewers,
 OR • 4m (or 1.5 times the depth whichever is greater) of water mains <350mm diameter
 or 8m of water mains of 350mm diameter or greater.

Reason: To prevent disturbance/ damage to existing sewers / water mains and in the interest of public safety.

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

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

Case Officer: Wayne Donaldson

Date: 07/07/2021

Authorised Officer: Andrew Davidson

Date: 07/07/2021



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0496/F

Date Received: 05/03/2020

Proposal: Consolidation of existing development to form single dwelling.

Location: Approx 105m NE of junction of Bernish Road and Seavers Road, Newry.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within a designated Special Countryside Area and Area of Outstanding Natural Beauty as designated within the Area Plan.

The site is located immediately to the north of the junction of Seavers Road and Bernish Road.

The site is an area of land adjacent to the public road which rises steeply to the north, the site includes agricultural land and a small group of old stone outbuildings which are located to the north of the site. These buildings are of a very modest scale and are in a very run-down state.

The roadside boundary is defined by the remains of a stone wall, a post and wire fence and hedging, a small field gate is located along the roadside boundary in a central position.

The site is located within a rural area of undulating landform, there are a few properties and buildings within the vicinity of the site.

Site History:

P/2010/1021/F - 90m North of junction of Seavers Road and Bernish Road, Newry - Proposed new farm dwelling and garage – Permission Refused 17/01/2013.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

DCAN 15 – Vehicular Access Standards

Building on Tradition – Design Guide for Rural Northern Ireland

Consultations:

Transport NI – no objections subject to conditions.

NI Water – Generic response, no objections.

Historic Environment Division – No objections.

Objections & Representations:

The application was advertised on 12/05/2020, one neighbouring property was notified on 04/06/2020, no representations or objections have been received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits and within the open countryside, within an SCA and the AONB as designated in the Banbridge, Newry and Mourne Area Plan 2015.

Paragraph 6.75 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) notes that, "Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and the unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate these areas should be designated as Special Countryside Areas in LDPs, and appropriate policies brought forward to ensure their protections and unnecessary and inappropriate development."

The special status of Countryside Areas is also noted in the preamble to Planning Policy Statement 21 (PPS 21) which states that the provisions of PPS 21 will take precedence over the policy provisions for certain designations contained in existing statutory and published draft development plans with the exception of five Special Countryside Policy Areas. Policy CTY 1 of PPS 21 states that where a SCA is designated in a development plan, no development will be permitted unless it complies with the specific provisions of the relevant plan.

The principle that within Special Countryside Areas, the relevant development plan policy should be applied rather than the provisions of PPS 21 has been well established through previous applications and planning appeals.

The relevant policy against which to assess this proposal is therefore Policy COU 1 of BNMAP which states that,

"Within Special Countryside Areas, planning permission will only be granted to development proposal which are:

- Of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment; or
- the consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape.

Volume 3 Newry and Mourne District proposal of BNMAP 2015 notes that development proposals within SCAs will be determined in accordance with Plan Policy COU 1.

Policy COU 1 of the development plan identifies two exceptions only in which planning permission can be granted to development proposal within SCAs.

The first exception is if proposal of such national or regional significance as to outweigh any potential detrimental impact on the unique qualities of the upland environment. This proposal in being for a single dwelling does not fall within the first exception.

The second exception is the consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated within the landscape. The plan does not expand upon what it means by the consolidation of existing development, however the everyday meaning of consolidate is to combine or to unite into a whole as was specified in the previous appeal on the site reference 2013/A0079.

The agent within their submissions outlines that they feel the proposal is the consolidation of two buildings on the and that the state of repair of the buildings should not form part of the consideration as they feel the structures fall within the definition of buildings. The agent also feels that the development will be in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape.

Although policy COU 1 does not provide specifics with relation to the meaning of consolidation or the buildings that the policy would relate to some judgement must be given to how the policy was intended to be read and in what circumstances it would be felt that it should be used.

In this case the proposal is looking to consolidate two small buildings and create a new dwelling, I feel that the current condition of the buildings is material to the policy in that if the buildings are in such a state of disrepair that rather than being consolidated the proposal could result in the buildings being demolished and the proposed dwelling being a new build. The existing buildings are in a very poor condition and in 2013 the PAC had referenced the buildings as being dilapidated stone structures. Given the time that has passed since then and having viewed the buildings in question it is felt that they may not be fit to be included in any proposed development.

Aside from the condition of the buildings consideration must also be given to the overall proposal and how the two buildings are intended to be consolidated, at present the buildings are positioned approximately 4.5 metres apart. The buildings have floor areas measuring 4.5m by 10m and the other 3.8m by 4.4m, the scale of the buildings is therefore small. Although the policy allows for existing buildings to be combined in this case the existing buildings are more than 4 metres apart and the proposal does not simply aim to link the buildings together and convert into a dwelling but instead it looks to provide a dwelling four times the size of the existing buildings on the site. It is considered that the policy was intended to allow existing buildings to be combined but in this case the proposal is looking to create a new dwelling which happens to be

designed in a way that the buildings are shown to be included. Rather than consolidating the existing buildings on the site I would consider the level of proposed development would warrant this as a new dwelling and not consolidation given the scale of proposed development as shown on submitted drawings.

Given the level of proposed development it is considered that the proposal is not in line with the second exception as it is not in character and scale with the existing buildings on the site.

Although the agent has stated that he feels the proposal can be integrated within the landscape it is felt that the size and scale of the proposal although single storey in design will be visible from the surrounding area and will result in a detrimental impact on the SCA. Along with the proposed dwelling itself consideration must be given to the creation of a new curtilage, access lane and entrance, an area for parking and turning and new boundary definition.

The new access and driveway will be visible from the public road, the proposed laneway although close to an existing boundary will be approximately 80 metres in length and will lead to an area of parking at the front of the property. When viewed the new access, laneway and parking areas along with the property will not be integrated given the elevated nature of the site and also the lack of established vegetation and need for new boundary planting to provide screening.

It is considered that the proposal is contrary to Policy COU 1 of the Banbridge / Newry and Mourne Area Plan 2015 for the reasons outlined above.

Recommendation: Refusal.

Reason for Refusal.

The proposal is contrary to the Banbridge/ Newry and Mourne Area 2015 Policy COU1 in that the development is within a Special Countryside Policy Area and is not considered to fall within the exemptions of this policy in that the proposal is not seen to be of national or regional importance or consolidation of existing development in keeping with character and scale and the proposal would not integrate.

Case Officer: Wayne Donaldson

Date: 31/03/2021

Authorised Officer: Anthony McKay

Date: 16/04/2021

This application comes before the Committee with a refusal recommendation. The site lies inside one of the least developed parts of the District, one which is designated Special Policy Area in a bid to preserve as much of the open countryside as possible and to ward off new development. To that end, the Policy that has been set for the area allows development in only one of two identified circumstances: a proposal of regional importance or a proposal involving the consolidation of existing development. Because there is so little development to be consolidated in the area, the Policy is seldom applied. However, the policy is much more simple and less complex than PPS 21. The position of the Council, the applicant and the Planning Appeals Commission is unanimous i.e. the Policy is to be applied based upon its everyday meaning (confirmed in the minutes to this Agenda).

An issue that has caused the applicant a degree of consternation is that the application was delayed for quite some time, supposedly while officers decided how to proceed due to the fact they had purportedly not encountered the Policy before. As it has since transpired, the same team within the office was concurrently handling another application under similar circumstances while it sat on this one. At the same time this applicant was told his application was being kept back to allow officers to figure out how to apply the Policy, the team was in the process of issuing an approval notice in what we believe is a much less deserving case than this. There is no criticism of the other decision, but this applicant does expect fairness and consistency in decision-making. He does not expect to be treated any harsher than any other applicant.

Some years ago this applicant applied for a farm dwelling on this site. He appealed against the refusal and was informed that his application for a farm dwelling was misplaced: PPS 21 does not apply in this area and it is only Policy COU 1 of the BNMAP 2015 that applies. *Policy COU 1 Special Countryside Areas* is laid out as follows:

Within Special Countryside Areas, planning permission will only be granted to development proposals which are:

- *of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment; or*
- *or the consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape.*

As before, there is consensus on how the policy is to be applied i.e. based upon its everyday meaning. The applicant previously applied to build a new dwelling 30m away from the existing structures on the site. The PAC said then that his proposal would have been too far away to consolidate or combine with the structures and that it would have spread development across the landscape to the south west. That was deemed inappropriate. It was stated that the access would have been conspicuous but this is actually in place now (a simple farm track) and only limited new works are needed, at the roadside (not up on the elevated terrain). The current proposal was set up in such a way as to positively address the PAC's previous concerns.

The current proposal is combining both structures on the site. It does not involve extending development across the landscape and it does not need to rely upon obtrusive access arrangements. Whereas the PAC felt a formal lane would have been conspicuous the applicant has cleaned the old laneway up to the buildings and does not propose a tarmac or concrete laneway (which would not offer any traction in winter months).

Although officers initially accepted that the policy is to be applied based upon its everyday meaning, peculiarly they also felt *some judgement must be given to how the policy was intended to be read* and in what circumstances it should be used. It is unclear how judgement is required to be exercised when plain English is clear and concise and is not subjective or open to interpretation. Officers intimate that the policy should be used sparingly or selectively, when this is not the case, and their approach is contradictory.

Put simply, the only reason the Policy is so seldom encountered is because there are so few proposals in the regional interest, and there are so few incidences of development that could potentially be consolidated (as the countryside is so scenic and so un-developed).

Whereas the case officer “feels” *that the current condition of the buildings is material to the policy in that if the buildings are in such a state of disrepair that rather than being consolidated the proposal could result in the buildings being demolished and the proposed dwelling being a new build*, the Policy makes no mention of any such test, implicit or implied, and the PAC did not have any such issues in the past.

Officers noted the buildings are in poor condition, implying that they are not worthy of consolidation. They referred to the fact the PAC felt the structures were dilapidated at the previous appeal. Despite the fact the buildings have actually been maintained in the intervening time, the condition of the buildings / structures is not determining and the PAC had no concerns in this respect.

That the Policy does not place any demands upon the quality or integrity of the development to be consolidated is obvious, given it does not even require buildings to be consolidated – it can be any *development* that is consolidated, be that structures or buildings.

The Council has approved the consolidation of dilapidated structures in the past (LA07/2015/0078/F, at Kilfeaghan Road, Rostrevor) so even if the buildings in question were dilapidated, not only is the Policy silent in this regard but the issue has not been problematic before so it should not be now.

Offers’ analysis is unduly harsh, especially given their attitude towards the direct precedent they created at Carrivekeney Road (LA07/2020/0589/F). Officers have been disingenuous in their attempt to suggest that the Carrivekeney Road approval was granted in part as a result of some form of commitment tendered by the DOE prior to the transfer of planning powers in 2015. We found no evidence of a commitment. Any such “commitment” would have been rendered null upon the transfer of planning powers back in 2015. In a strict Policy area, when purportedly offered a commitment of an approval in 2015, it is unlikely in the extreme a developer would wait five years before making a new application. Also, we have faced refusal recommendations on repeat applications where approval was previously granted by the DOE. If the Council is prepared to set aside a previous permission, it is highly unlikely an informal commitment tendered back in 2015 would have been determining now. We find the notion of a commitment to be a red herring, because the Carrivekeney Road example involved new development on the opposite side of a lane from the development that was required to have been consolidated, and the development actually occurred outside the Special Policy Area, meaning that Policy COU 1 need not have been shown determining weight - so we submit that the Council would have had all the grounds it wanted to set aside any prior commitment even if it existed. Because of how officers handled the Carrivekeney Road case, they have created a precedent that would result in an obvious injustice upon this applicant if his application is refused, and the Committee is respectfully requested not to allow this to happen. Unlike other cases, we do not ask Members to depart from Policy. We simply ask Members to follow the policy as it is written and not to follow officers in speculating how it might have been intended.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0262/F

Date Received: 30th January 2018

Proposal: Proposed housing development

Address: Lands rear of No 7-16 and the side of No 17 Meadowvale
Newtownhamilton, Newry.

Site Characteristics & Area Characteristics:

This site is located at the rear of an existing housing development. At slightly lower topography than that of the existing development. There is an existing private track to the south west of the site. The existing development consists predominately of two storey semi-detached dwellings with a few detached. This site is within the settlement limit of Newtownhamilton as designated with the Newtownhamilton Settlement Limit Map of the Banbridge, Newry and Mourne Area Plan 2015. The rear boundary of the site forms the settlement boundary with the rural countryside.



Site History:

LA07/2017/0191/F -Proposed erection of 5 houses at Lands rear of No 4 Meadowvale
Newtownhamilton Newry approved in 2019.

P/2006/0943/O - 4 new semi detached dwellings and 1 detached dwelling within the development boundary of Newtownhamilton (amended description) at 80m North West of 6 Fairview, Newtownhamilton.

P/2000/1489/F- Erection of Housing Development- permission granted- 19/6/21

P/2001/1348/F- Phase 2 of housing development- permission granted

P/2001/1556/F- housing development amended scheme- permission granted

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS7 – Quality Residential Environments – Policy QD 1
- PPS7 Addendum – Safeguarding the Character of Established Residential Areas
- PPS12 – Housing in Settlements
- PPS15 (Revised) – Planning and Flood Risk
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide
- DCAN8 – Housing in Existing Urban Areas
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards
- Third party objections / representations

Consultations:

DfI Roads: No objections subject to condition

Shared Environmental Services: 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. There are no viable pollutant pathways with effects on any European site.

NMDDC Environmental Health Department: No objections

DfI Rivers Agency: No objections subject to conditions

NI Water: No Objections

Objections & Representations

The proposal has been issued to neighbour notification and advertised within the press on 4 occasions, including the most recent in January 2021. It is noted that no further objections were received following the 3rd (issued 8/10/2018) and 4th (issued 11/1/2021) issue of notification to the neighbours/objectors and the press advertisements (published on the 8/10/2018 & 11/1/2021).

However, the Planning Department have received 8 objections from 8 different addresses will consider the issues raised which are outlined below within its assessment of the proposal:

- Construction traffic dangers for residents
- Poor drainage
- Traffic impact on access to main road & safety
- Impact to character as an established residential neighbourhood
- Building on open space
- Overshadowing/loss of light.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations.

Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site is located within the development limit of Newtownhamilton, as identified in the Banbridge, Newry and Mourne Area Plan 2015. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide 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. The development is within the settlement area and is considered acceptable in principle, as its form and design are in keeping with the local character and environmental quality and the residential amenity of the area, for the reasons outlined in this report.

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

The proposal is considered to be compliant with the provisions of the SPPS, as set out under: Paras 4.23 to 4.36 'Supporting Good Design and Positive Place making' in particular the requirement for planning authorities to ensure the compatibility of a development with its immediate and wider context and the settlement pattern of a particular area; Para 6.137 'increased housing density without town cramming', which states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents; and Paragraphs 4.11 and 4.12 "'Safeguarding Residential and Work Environs,'" in particular the need for planning authorities to take into account *"a wide range of environment and amenity considerations... when proposing policies or managing development."*

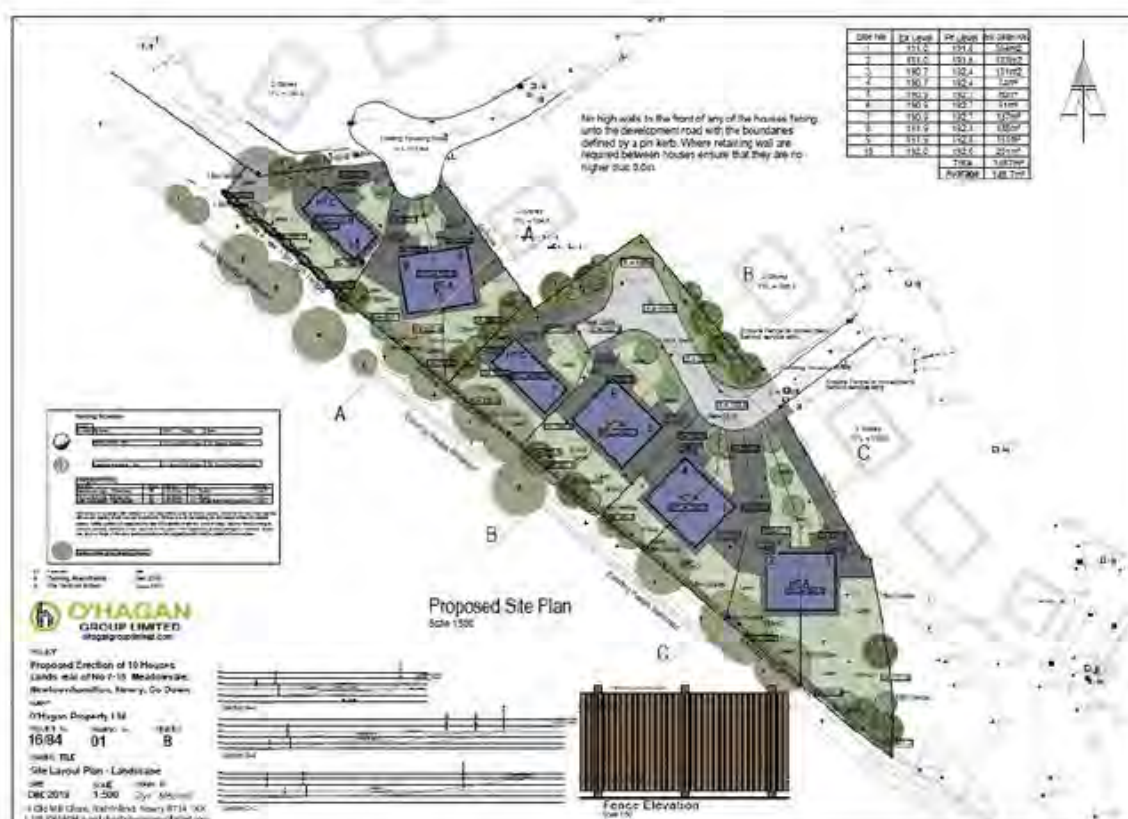
The Planning Authority have secured significant amendments to this proposal throughout the processing of this application to ensure that this proposal meets these core planning principles for sustainable development.

The SPPS also retains existing regional planning policy documents, including PPS 7 'Quality Residential Environments' which, it states, should be applied by the planning authority until a Plan Strategy for the whole of the council area has been adopted. The SPPS document overall is less prescriptive than the retained policy PPS7 and under the transitional provisions the weight to be afforded to this retained policy should not be lessened. Any relevant supplementary and best practice guidance will also continue to apply.

PPS 7: Quality Residential Environments. Policy QD 1 of PPS 7 states, amongst other things, that 'Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in

The policy sets out several criteria which proposals for new residential developments must comply with.

Criterion (a) requires that development must respect the character and scale of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaping and hard surfaced areas.



This proposal, following several amendments, now respects the character of the surrounding area, in terms of appearance, layout, scale and proportions. The layout includes 2 detached dwellings and 4 pairs of semi-detached dwellings. Each plot allows for in curtilage car parking. This significantly reduces the appearance of density and the need for hard retaining structures on site. The overall density is now 25 per hectare, which is within the density range that the Planning Authority feels is appropriate for this site given the surrounding context. The design, massing and scale of the dwellings, both semi and detached is in keeping with the existing dwellings within the surrounding development. As stated above the site is slightly sloping. The layout shows the applicants intentions to regrade the land with cut and fill proposed across the site. The dwellings are to have varying

finish floor levels ranging from 191.6-192.8m. The finish floor levels of the dwellings will sit approx. 1.2-2.4 metres below the existing dwellings immediately surrounding the site.

The proposed access roads utilise two existing accesses points and extends them to serve the proposed houses

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

The Planning Authority have consulted with no concerns regarding impact on built heritage.

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

The proposal has made adequate provision for private amenity throughout the site. The smallest private amenity space provided 74m² with the largest being 354m². Most of the gardens are over 100msq, well above the 70msq required by guidance. The dwellings have been orientated on the site to ensure the rear garden areas provide an area of private open space.

Existing vegetated boundaries are being retained and supplemented with new planting of trees to the rear boundary which is the boundary between the settlement limit and the rural area. The landscaping plan provided will significantly soften the visual impact of the proposed development both from critical viewpoints.

Policy OS 1 of PPS 8, Protection of Open Space states;

‘The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.’

This policy is not applicable to this case as there is no loss of existing open space or land zoned for the provision of open space. There was no public open space approved as part of the previously approved housing development.

Policy OS 2 of PPS states; ‘The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development.’ This new development is not over 1 hectare or comprises of more than 25 units.

The policy states, 'In smaller residential schemes the need to provide public open space will be considered on its individual merits.'

It is recognised that the site is in close proximity to an existing area of open space provided by Newry, Mourne and Down District Council, Jim Steen Park. This park is located south west of the site and a short walking distance from the proposed housing. It is noted that there is a public footpath from the existing housing development along Dungormley Estate down to the entrance of Jim Steen Park.

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

This is a relatively small development and it is not envisaged that there are necessary neighbour facilities required.

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

The proposed layout has integrated connectivity from within the development to the main public road. These include the provision of standard width footpaths to encourage pedestrian usage and safety throughout the development, dropped curbs to ensure impaired mobility movement is not disadvantaged and convenient use of footways. There are also traffic calming measures located at the corner of the proposed estate road to ensure that road and pedestrian safety is prioritised.

Criterion (f) *requires that adequate and appropriate provision is made for parking. An indicative required level of parking provision is provided in Table 7 of the 'Creating.Places' document and the Planning Service Parking Standards document.*

The proposal has adequate car parking provision for the house types proposed. With all houses having 2 spaces in curtilage and the development allowing for on street spaces at several locations throughout the layout. This is also compliant with the provisions of the parking standards.

Criterion (g) *requires that the design of the development draws upon the best local traditions of form, materials and detailing.*

The proposal is in keeping with the character of the existing local residential area, in terms of its height, massing, design and layout. The site proposal utilises the topography of the site, ensuring that existing residential amenity is maintained while providing a satisfactory layout and design for

the proposed dwellings. The materials are in keeping with those found on nearby developments and would add to the character of the immediate area.

Criterion (h) *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 proposal will not cause an unacceptable adverse impact on neighbouring land uses or create conflict with them. Given the topography of the site and separation distances there will be no unacceptable impacts in terms of overlooking, loss of light or overshadowing.

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

The proposed development is designed in two cul de sac shaped format, giving neighbouring dwellings a good view of people approaching on the main estate road. There are no alley ways or areas that would give rise to concerns of crime or which would impede safety.

Policy LC 1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area' States that in Established residential areas, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites....to accommodate new housing, where all criteria set out in QD 1 of PPS 7 and all additional specified criteria are met. These include:

- (a) The proposed density is not significantly higher than that found in the established residential area; and
- (b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area....
- C) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposal is medium density with a proposed density of 25 per ha. The proposal therefore blends with the character of the area and complies with criteria set out in LC 1 of PPS 7.

Planning Control Principle 1 of PPS 12 Housing in Settlements states that 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. The proposal respects the layout and density within the immediate area, and there are no adverse impacts on existing neighbouring land uses. The area is predominantly residential land uses, so further residential uses on a white land, green field site are in keeping with the spirit of PPS 12, to encourage housing in existing urban areas without town cramming. The proposal therefore meets the requirements of Planning Principle 1 of PPS 12.

Revised PPS 15

DfI Rivers have confirmed FLD 1, 4 and 5 are not applicable to this site.

They do note a designated watercourse is located just outside the south eastern boundary and is known to DfI Rivers as the Dungormley Drain. The site layout drawing does not impact upon future access or maintenance of the watercourse. Therefore, the proposal is compliant with Policy FLD 2.

Rivers have been consulted on a revised Drainage Assessment and the proposal is found to be acceptable to them subject to a condition being attached.

The proposal therefore meets the criteria of FLD 3 and the development will not add to additional surface water run-off.

AMP 2 of PPS 3.

Transport NI have assessed the proposal against the criteria of AMP 2 of PPS 3 and the utilisation of two existing access points to the public road will not result in any adverse impact on road progression or road safety.

Recommendation: Approval

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

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

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

approved plans: drawing no's 05, 01B, 01, 02, 02A, 03B and 04

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

3. All hard and soft landscape works shall be carried out in strict accordance with the approved details, as indicated on drawing ref: and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development.

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

4. 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.03 Rev B bearing the date stamp 21 September 2020

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.

5. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

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

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

7. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 space per dwelling outside the curtilage of the dwelling(s)).

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

8. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

9. 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 the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

10. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to and agreed in writing with the Newry Mourne and Down Planning Authority. The development shall take place in strict accordance with the approved drainage assessment.

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

11. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Reason: To protect bats and ensure the continuity of the biodiversity value afforded by existing trees.

12. No construction to be made, trees planted or other obstruction made within
 - 3m (or 1.5 times the depth whichever is greater) of sewers, OR
 - 4m (or 1.5 times the depth whichever is greater) of watermains

Reason: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

13. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

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

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

15. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

16. No development shall take place until proposed plans have been submitted to and approved in writing by the Planning Department of the Council indicating the position, height and materials of any retaining walls. The development shall be carried out in accordance with the approved plans.

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

Case Officer Signature: Joanne McVeigh

Date:15/06/2021

Appointed Officer Signature: Pat Rooney

Date:15/06/2021

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	Await legal advice.	N
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	between 54 and 58 Edenappa Road, Jonesborough				
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.	A McAlarney	Application to come back to Committee Awaiting consultee SES	N
		PLANNING COMMITTEE MEETING – 16 OCTOBER 2019			
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	Withdraw from the addendum list for a meeting with Planners, applicant and agent	A McAlarney	Agent to submit revisions...awaited	N
PLANNING COMMITTEE MEETING 11 MARCH 2020					
LA07/2019/1455/F	New access to dwelling in substitution to that approved under planning ref: LA07/2018/0118/F – 30m SE of 8 Outlacken Road, Belleeks, Newry	Defer for further discussions and agent/applicant to provide evidence to show that the former approved existing access is no longer available to the applicant and that under Policy an alternative access can be granted	A Davidson	Application has been withdrawn from the planning process by the applicant.	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting consultation response from DFI Roads on new info submitted.	N
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Agent has engaged Ecologist to provide outstanding info for Planning Dept	N
LA07/2019/1134/0	Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Agent has engaged Ecologist to provide outstanding info for Planning Dept	N
PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020					
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered	A Davidson		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 15 DECEMBER 2020					
P/2013/0189/F	Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works	Site visit to be arranged	P Rooney	Site visit held 05-03-2021 – on agenda for Planning meeting to be held 28-07-2021	N
PLANNING COMMITTEE MEETING – 8 APRIL 2021					
LA07/2019/1375/F	Lands immediately south of 17 Leitrim Road Ballymaginaghy Castlewellan Co Down - Erection of 2 Dwellings	Site visit to be arranged	A McAlarney	Site visit held 12-05-2021 - on agenda for Planning meeting to be held 28-07-2021	N
LA07/2020/0299/F	Adjacent to 7 Annacloy Road North Dunnanelly Downpatrick - Single storey dwelling	Site visit to be arranged	A McAlarney	Site visit held 12-05-2021 - on agenda for Planning meeting to be held 28-07-2021	N
PLANNING COMMITTEE MEETING – 05 MAY 2021					
LA07/2021/0029/F	Killeavy Castle Estate 12 Ballintemple Road Killeavy Newry - new farm shop and vegetable garden	Removed from the schedule by Planning Officers	A Davidson	Application has now issued as an approval	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2021/0038/LBC	Killeavy Castle Estate 12 Ballintemple Road Killeavy Newry BT35 8LQ - new farm shop	Removed from the schedule by Planning Officers	A Davidson	Application has now issued as an approval	Y
LA07/2020/1519/RM	151 Castlewellan Road Dromara - Replacement dwelling	Site visit to be arranged	A McAlarney	Site visit held 12-05-2021 - on agenda for Planning meeting to be held 28-07-2021	N
LA07/2020/1792/F	75m South of 15 Sheepland Road Ardglass - dwelling and garage on a farm	Site visit to be arranged	A McAlarney	Site visit held 12-05-2021 - on agenda for Planning meeting to be held 28-07-2021	N
LA07/2021/0027/O	60m North of 67 Dechomet Road Dromara - demolition of existing vacant dwelling and erection of replacement dwelling and garage as per CTY3 PPS21	Application removed from the schedule at the request of Councillor Murphy – to be re-presented at the June Committee Meeting	A McAlarney		N
LA07/2017/1779/F	Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to planning approval LA07/2015/0782/F. - change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m	Removed from the addendum list at the request of Planning Officers	A McAlarney	Under consideration by planning office	N
END					

Newry, Mourne & Down District Council – May 2021

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1. Live Applications

MONTH 2021/22	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2021	206	1,195	232
May 2021	204	1,238	228

2. Live Applications by length of time in system

Month 2020/21	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2021	770	193	81	54	97	1,195
May 2021	818	192	76	53	99	1,238

3. Live applications per Case Officer

Month 2021/22	Average number of Applications per Case Officer
April	83
May	85

4. Decisions issued per month

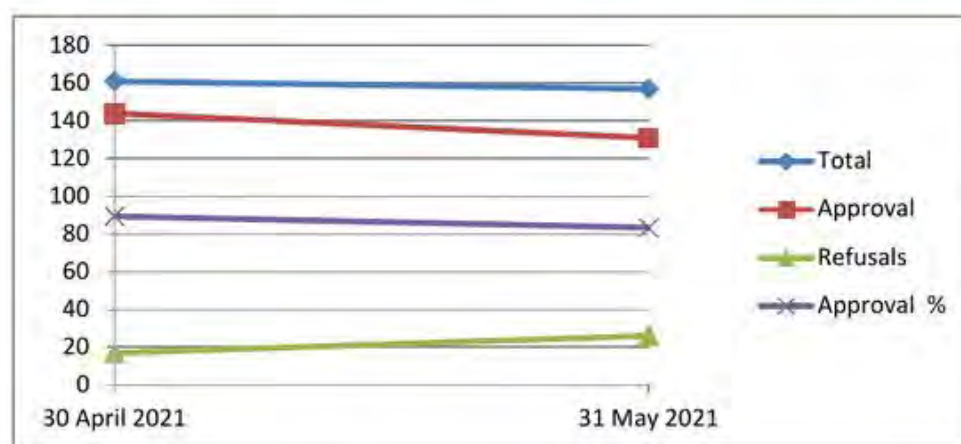
Month 2021/22	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	161	155
May	157	146

5. Decisions Issued YTD

Month 2021/22	Number of Decisions Issued	Breakdown of Decisions	
April	161	Approvals (144)	89%
		Refusals (17)	11%
May	318	Approvals (275)	86%
		Refusals (43)	14%

Newry, Mourne & Down District Council – May 2021

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6. Enforcement Live cases

Month 2021/2022	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	285	133	127	122	62	101	830
May	291	134	122	128	64	104	843

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
8 April 2021	14	11	3	3
5 May 2021	16	8	8	3
Totals	30	19	11	6

8. Appeals

Planning Appeal Commission Decisions issued during period 1 April 2021 to 30 April 2021

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	8	0	0	0	0
Down	20	1	0	1	0
TOTAL	28	1	0	1	0

Newry, Mourne & Down District Council – May 2021

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Statutory targets monthly update – March 2021 (unvalidated management information)

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	1	-	0.0	0.0%		63	3	18.2	33.3%		17	18	146.8	33.3%
May	1	-	0.0	0.0%		96	93	24.2	17.2%		9	68	229.3	14.7%
June	1	3	87.0	0.0%		122	161	26.4	18.6%		49	31	111.8	41.9%
July	2	1	31.8	0.0%		137	113	20.0	25.7%		41	19	91.8	31.6%
August	1	-	0.0	0.0%		138	115	21.2	32.2%		29	23	35.4	73.9%
September	0	1	64.6	0.0%		147	148	19.4	33.8%		26	22	36.5	72.7%
October	1	-	0.0	0.0%		147	115	17.0	34.8%		28	58	100.3	53.4%
November	1	-	0.0	0.0%		158	160	16.9	43.1%		36	37	109.8	35.1%
December	0	-	0.0	0.0%		159	161	15.0	50.9%		21	24	187.5	25.0%
January	1	2	160.8	50.0%		123	122	18.0	41.0%		30	33	166.4	42.4%
February	2	-	0.0	0.0%		152	160	18.3	35.6%		37	29	85.4	41.4%
March	1	-	0.0	0.0%		189	118	16.7	42.4%		24	31	76.4	54.8%
Year to date	12	7	64.6	14.3%		1,631	1,469	19.0	34.8%		347	393	121.6	41.0%

Source: NI Planning Portal

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used to avoid the potential to inflate the mean, leading to a result that may not be considered as "typical".

Newry, Mourne & Down District Council – May 2021

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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 determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Newry, Mourne & Down District Council – June 2021

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1. Live Applications

MONTH 2021/22	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2021	206	1,195	232
May 2021	204	1,238	228
June 2021	172	1,219	236

2. Live Applications by length of time in system

Month 2020/21	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2021	770	193	81	54	97	1,195
May 2021	818	192	76	53	99	1,238
June 2021	777	206	82	43	111	1,219

3. Live applications per Case Officer

Month 2021/22	Average number of Applications per Case Officer
April	83
May	85
June	89

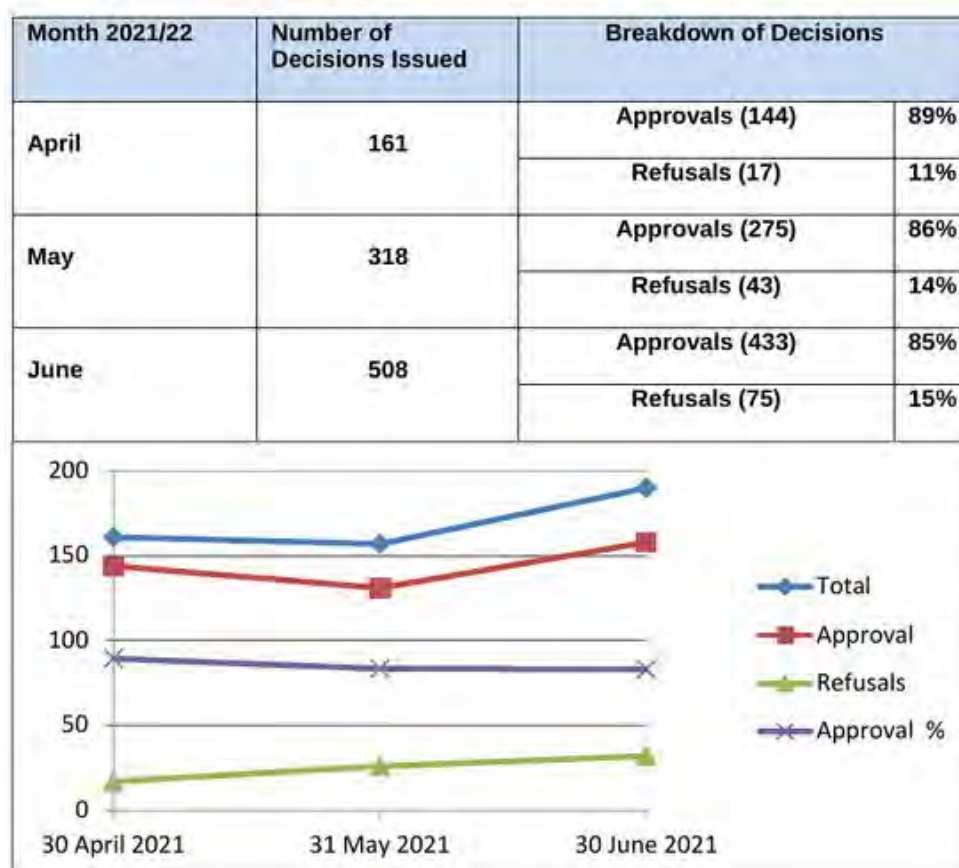
4. Decisions issued per month

Month 2021/22	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	161	155
May	157	146
June	190	184

Newry, Mourne & Down District Council – June 2021

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5. Decisions Issued YTD



6. Enforcement Live cases

Month 2021/2022	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	285	133	127	122	62	101	830
May	291	134	122	128	64	104	843
June	267	132	121	136	60	102	818

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
8 April 2021	14	11	3	3
5 May 2021	16	8	8	3
2 & 30 June 2021 (Meetings cancelled)	-	-	-	-
Totals	30	19	11	6

Newry, Mourne & Down District Council – June 2021

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8. Appeals

Planning Appeal Commission Decisions issued during period 1 June 2021 to 30 June 2021

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	14	0	-	-	-
Down	24	1	0	1	0
TOTAL	38	1	0	1	0

Newry, Mourne & Down District Council – June 2021

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Statutory targets monthly update – 1 April – 31 May 2021 (unvalidated management information)

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 on time ³	% of cases concluded within 39 weeks
April	2	-	0.0	0.0%		172	142	16.4	43.7%		44	19	69.8	52.6%
May	2	1	35.4	0.0%		160	137	17.2	41.6%		28	31	69.4	64.5%
June	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
July	0	-	0.0	0.0%		0	-	0.0	0.0%		0	-	0.0	0.0%
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	1	35.4	0.0%		332	279	16.8	42.7%		72	50	69.6	60.0%

Source: NI Planning Portal

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used to avoid the potential to inflate the mean, leading to a result that may not be considered as "typical".

Newry, Mourne & Down District Council – June 2021

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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 determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019/A0155
Planning Ref:	LA07/2019/0181/	DEA	Slieve Croob
APPELLANT	Anthony Flanagan		
LOCATION	152 Ballylough Road Castlewellan		
PROPOSAL	2 Storey side and rear extension to provide ancillary accomodation (Retrospective)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 04/11/2019

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:	2019/A0159
Planning Ref:	LA07/2019/1313/	DEA	Newry
APPELLANT	EDB Construction Ltd		
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		

APPEAL TYPE DC - Non Determination of a Planning Application

Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 13/11/2019

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	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT	Mr James Rogan		
LOCATION	Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	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	4	PAC Ref:	2020/A0002
Planning Ref:	LA07/2017/1559/	DEA	Newry
APPELLANT	EDB Constructions Ltd		
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
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	PAC Ref:	2020/A0003
Planning Ref:	LA07/2019/1021/	DEA	Rowallane
APPELLANT	Mrs E Fitzsimons		
LOCATION	53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2020/A0029
Planning Ref:	LA07/2019/1184/	DEA	Rowallane
APPELLANT	Mr D Graham		
LOCATION	Lands Between 12 And 18 And Neighbouring House On Private Lane Raleagh Road Crossgar		
PROPOSAL	2 infill dwellings and garages		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/08/2020
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	7	PAC Ref:	2020/A0045
Planning Ref:	LA07/2019/0573/	DEA	Slieve Gullion
APPELLANT	Mills Smyth		
LOCATION	95 Aughnagurgan Road Altnamackan		
PROPOSAL	Newrv Proposed demolition of all existing buildings and replace with dwelling house and garage.		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	10/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2020/A0060
Planning Ref:	LA07/2020/0194/	DEA	The Mournes
APPELLANT	Drumee Farms Ltd		
LOCATION	Lands Approx. 100m NE Of 125 Newcastle Road Castlewellan		
PROPOSAL	Retention of multi-purpose agricultural shed, access from Newcastle Road, via established agricultural gateway		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/09/2020
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	9	PAC Ref:	2020/A0066
Planning Ref:	LA07/2019/1819/	DEA	Slieve Croob
APPELLANT	William Henry McMaster		
LOCATION	42a Cherryhill Road Spa		
PROPOSAL	Retirement bungalow		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2020/A0067
Planning Ref:	LA07/2019/1815/	DEA	Newry
APPELLANT	David & Bronagh Strain		
LOCATION	15 Liska Road Newry		
PROPOSAL	RT35 RPH Proposed new dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	17/09/2020
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	11		
Planning Ref:	LA07/2019/1575/	PAC Ref:	2020/A0073
APPELLANT	Mr Gerard Rice	DEA	Crotlieve
LOCATION	8 Corcreeghy Road Newry		
PROPOSAL	Retrospective application for the extension of curtilage to include retaining wall, in-filling with inert material, fencing and associated landscaping. Existing Firework containers relocated and form utilisation of car parking.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	23/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2020/0836/	PAC Ref:	2020/A0103
APPELLANT	Mr Dodds	DEA	Rowallane
LOCATION	Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield		
PROPOSAL	Erection farm animal shelter and wintering shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/11/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals**197**

ITEM NO	13	PAC Ref:	2020/A0124
Planning Ref:	LA07/2019/1119/	DEA	Slieve Croob
APPELLANT	John McKay		
LOCATION	75 Mill Hill Castlewellan		
PROPOSAL	2 semi-detached dwellings and 1 detached dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14	PAC Ref:	2020/A0126
Planning Ref:	LA07/2020/0027/	DEA	Downpatrick
APPELLANT	Judy Meharg		
LOCATION	7 Rocks Road Ballyhornan Downpatrick		
PROPOSAL	Wooden hut on a raised deck (retrospective)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

198

ITEM NO	15		
Planning Ref:	LA07/2020/0802/	PAC Ref:	2020//A0130
APPELLANT	Greg Kirkpatrick Esq	DEA	Rowallane
LOCATION	Approx. 50m S E Of No 80 Monlough Road Saintfield		
PROPOSAL	Farm Dwelling and Garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2020/1072/	PAC Ref:	2020/A0142
APPELLANT	Chris Ball	DEA	Downpatrick
LOCATION	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

199

ITEM NO	17	PAC Ref:	2020/A0145
Planning Ref:	LA07/2020/1485/	DEA	Slieve Croob
APPELLANT	Leo McGrenaghan		
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	18	PAC Ref:	2020/A0148
Planning Ref:	LA07/2020/1376/	DEA	Slieve Croob
APPELLANT	Mr Derek McNeill		
LOCATION	Adjacent To 71 Edendarriff Road Ballynahinch		
PROPOSAL	Infill dwelling and domestic garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	26/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

200

ITEM NO	19	PAC Ref:	2020/A0155
Planning Ref:	LA07/2020/0939/	DEA	Slieve Gullion
APPELLANT	John Markey		
LOCATION	110msouth Of 11a Ballintemple Road Meigh Newry		
PROPOSAL	Farm Dwelling with Garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/03/2021
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:	2020/A0156
Planning Ref:	LA07/2018/0293/	DEA	Rowallane
APPELLANT	Paul McEvoy		
LOCATION	Opposite 49 And Adjacent To 56 Darragh Road Darraghcross		
PROPOSAL	Crossbar Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road.		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

201

ITEM NO	21		
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 BT34 47N		
PROPOSAL	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			

ITEM NO	22		
Planning Ref:	LA07/2019/1600/	PAC Ref:	2020/E0001
APPELLANT	Mr Paul Cunningham	DEA	Slieve Croob
LOCATION	5c Teconnaught Road Downpatrick		
PROPOSAL	Existing dwelling		

APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

202

ITEM NO	23		
Planning Ref:	LA07/2018/1601/	PAC Ref:	2021/A0006
APPELLANT	Mr K O'Hagan	DEA	Newry
LOCATION	55 Stream Street Newry		
PROPOSAL	BT34 1HJ Proposed demolition of existing building and construction of 2 No. apartments		
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	24		
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 associated 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			

Current Appeals

203

ITEM NO	25		
Planning Ref:	LA07/2020/1053/	PAC Ref:	2021/A0012
APPELLANT	Airfibre Limited	DEA	Slieve Croob
LOCATION	Transmission Site At Hamiltons Folly Approx. 295m SE Of 20 Mountain Road Ballynahinch		
PROPOSAL	Retrospective application for 15 m lattice tower, including mast and cabin with security fencing and pedestrian access gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	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	26		
Planning Ref:	LA07/2020/1187/	PAC Ref:	2021/A0013
APPELLANT	Norman Harvey	DEA	Rowallane
LOCATION	Approx. 25m South Of 32 Kilmore Road Crossgar		
PROPOSAL	Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

204

ITEM NO	27		
Planning Ref:	LA07/2021/0146/	PAC Ref:	2021/A0032
APPELLANT	Paul Wilson	DEA	Slieve Croob
LOCATION	75 Dromore Road Ballykine Upper Ballynahinch		
PROPOSAL	Erection of replacement dwelling, detached garage and conversion of existing dwelling to stables		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2021/0096/	PAC Ref:	2021/A0033
APPELLANT	Mr Bailey	DEA	Rowallane
LOCATION	18a Drumgivan Road Drumgivan Ballynahinch		
PROPOSAL	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			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
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Appeal Reference: 2019/A0238
Appeal by: Mr Paul Fitzsimons
Appeal against: The refusal of outline planning permission
Proposed Development: Proposed infill dwelling and garage
Location: 65m south east of 47 Saintfield Road, Crossgar
Planning Authority
Application Reference: LA07/2019/0691/O
Procedure: Written representations and Commissioner's site visit on 15 December 2020
Decision by: The Commission, dated 11 May 2021

The Commission has considered the report by Commissioner Donaghey and accepts his analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the reasons for refusal have been sustained.

Decision – the appeal is dismissed.

This decision is based on the following drawings:-

Number	Title	Scale	PAC received
13-77A-01	Site location plan	1:2500	2 nd March 2020
13-77A-02	Site plan	1:1000 @ A1	2 nd March 2020

MANDY JONES
Deputy Chief Commissioner

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

**Appeal by Mr Paul Fitzsimons
against the refusal of outline planning permission for a proposed infill dwelling and
garage at site 65m south east of 47 Saintfield Road, Crossgar.**

**Report
by
Commissioner Kenneth Donaghey**

Planning Authority Reference: LA07/2019/0691/O

**Procedure: Written Representations with Commissioner's Site Visit on 15th December
2020.**

Report Date: 4th May 2021

1.0 BACKGROUND

1.1 Newry, Mourne and Down District Council received the application on 29th April 2019. By notice dated 23rd December 2019, the Council refused permission giving the following reasons:-

- 1) The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 in a settlement.
- 2) The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there is a large gap capable of accommodating more than two dwellings as permitted by policy, and a single dwelling would, if permitted, result in the creation of a ribbon along the Saintfield Road.
- 3) The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the countryside, in that it relies primarily on the use of new landscaping for integration.
- 4) The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that:
 - (c) the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved dwellings;
 - (d) The building would, if permitted, create a ribbon of development along Saintfield Road; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 5) The proposal is contrary to the Consequential Amendment to Policy AMP3 of Planning Policy Statement 3 - Development Control: Roads Considerations in that it would if permitted, result in the creation of a new vehicular access onto the Saintfield Road (A7), a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic conditions and general safety.

1.2 The Commission received the appeal on 3rd March 2020 and advertised it in the local press on 18th March 2020. One representation was received from third parties. The Council forwarded one representation which it received at application stage.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises a section of a roadside field immediately adjacent to Saintfield Road. The Saintfield Road (A7) is a Protected Route. The site is approx. 150m north of the settlement of Crossgar.

2.2 The site has a 20m frontage onto Saintfield Road. Immediately to the north west of the site there is a dwelling which is under construction. This dwelling was approved

with an integral garage which is fully built out. The approved access to this dwelling is not installed. It is currently accessed by an existing field gate. The boundary between the dwelling under construction and the appeal site comprises a lightweight post and wire fence. Immediately to the north west of the dwelling under construction is a modest bungalow which sits adjacent to the roadside and occupies a frontage onto Saintfield Road (No 47).

- 2.3 The appeal site is artificially cut out of a larger agricultural field. The southern and western boundaries of the host field are well established, they comprise some mature trees and interspersed hedging. Further to the south of the appeal site and immediately adjacent to the southern boundary of the host field are two modest bungalows which front onto the Saintfield Road (Nos. 39 & 41).

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The Strategic Planning Policy Statement for Northern Ireland (SPPS) includes strategic policy for residential and non-residential development in the countryside. It must be considered along with Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 of PPS21 identifies a range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
- 3.2 Policy CTY1 of PPS 21 permits development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8 'Ribbon Development'. These policies are mirrored in the SPPS. Policy CTY8 allows the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. This is provided the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purposes of policy, CTY8 provides definition of a substantial and continuously built up frontage as including a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 3.3 The SPPS and Policy CTY8 of PPS21 state that planning permission will be refused for a building which creates or adds to a ribbon of development. The site abuts the Saintfield Road, which is a protected route. Assessment must consider if the site is a small gap site within a line of 3 or more buildings along the common road frontage without accompanying development to the rear. The site is the middle section of a larger agricultural field that shares its south western boundary with the Saintfield Road. The appeal site has a rectangular shape with a narrow 20m wide roadside frontage and wider rear boundary with a width of 44m.
- 3.4 Beyond the boundary of the appeal site, to the north east is a single storey detached dwelling (No 47 Saintfield Road). No 47 shares a common frontage with the Saintfield Road. The plot associated with No 47 has a site area of 0.2Ha and this triangular plot has a wide roadside frontage that measures 48m. There is a lapsed planning approval for a replacement of No 47 which was granted in January 2012 under reference R/2011/0463/F. The replacement dwelling was granted with the same frontage and plot size as the existing No 47. Building works have not commenced on site.

- 3.5 No 41 and 39 Saintfield Road are a short distance to the south-east of the site and share common frontage with the Saintfield Road. No 41 has a rectangular shaped plot. The detached single storey dwelling within this plot sits on an elevated site when compared to the level of the Saintfield Road and adjoining lands. This plot has a wide roadside frontage that measures approximately 53m and a narrow rear boundary of approx. 27m wide and has an area of around 0.2Ha. The detached single storey dwelling at No 39 shares similar site levels to that of the public road. This dwelling has a triangular plot with a wide roadside frontage measuring 53m and a smaller plot area than Nos 41 and 47 measuring 0.1Ha. There is a planning approval north east of the appeal site for a farm dwelling granted on 4th of June 2013 under planning reference R/2012/0254/F. This application granted a dwelling within the field immediately north of the appeal site. This farm dwelling takes access through the roadside field that travels approximately 60m along the south eastern boundary of No 47. Development has commenced on the site of the dwelling approved in June 2013, the building on site does not reflect that which was approved under planning reference R/2012/0254/F.
- 3.6 The planning approval granted by R/2012/0254/F does not reflect the development on site however the building on site shares its frontage with a private lane. Neither the planning approval or the unauthorised building on the approved site share a common frontage with the Saintfield Road and do not form part of a substantial and continuously built up frontage.
- 3.7 There is a previous appeal decision which relates to two infill dwellings at this site. Appeal 2014/A0033 related to the whole host field, including part of the site approved by R/2012/0254/F. This appeal is similar in nature to the proposed scheme. It was dismissed as the Commissioner found that the gap between buildings on the frontage was too large to accommodate two dwellings.
- 3.8 The gap between the buildings of No 39 and No 41 is approx. 15m, the distance between buildings of No 41 and 47 measures approx. 130m. The 130m separation distance between the buildings of No 41 and 47 Saintfield Road creates a visual break. The site accounts for a 20m roadside frontage within a larger visual break between No 47 and the two dwellings of No 41 and 39. The site does not represent a small gap within a substantially and continuously built up frontage and is contrary to Policy CTY8 of PPS 21 and the SPPS.
- 3.9 The dwellings of Nos 39, 41 and 47 adjacent to the appeal site each have a wide roadside frontage, averaging 52m wide. The plots associated with the dwellings vary in shape with medium sized plots that measure 0.1Ha and 0.2Ha in area. Each of the plots have a narrow rear boundary when compared to their frontage along the Saintfield Road.
- 3.10 The appeal site has a narrow roadside frontage that measures 20m wide. This is considerably less than the average frontage onto the Saintfield Road of 52m at Nos 39, 41 and 47. The plot size of the appeal site measures approx. 0.3Ha which is larger than the plots of No 41 and 47. This plot has a wider rear boundary of approx. 44m than its narrow 20m wide roadside frontage. This would conflict with the existing pattern of development within the vicinity as the plot in terms of its size, scale and narrow roadside width would not reflect the wide roadside frontage and medium

sized plots of the development in the area. Development of a site that has a roadside width of 20m within a larger gap of 130m would create a ribbon of development along the Saintfield Road contrary to planning policy.

- 3.11 There is no justification or additional information to support the proposal for a single dwelling that would contribute to the aims of sustainable development in the countryside. The proposal is therefore contrary to Policy CTY1 and the SPPS in that there are no overriding reasons why the development (dwelling) is essential and could not be located in a settlement.
- 3.12 In respect of the proposed amendment to the application site and access point, the Council would refer to Section 59 of the Planning Act (NI) 2011 which states:
In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the Council or, as the case may be, the Department at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission—
(a) That the matter could not have been raised before that time, or
(b) That its not being raised before that time was a consequence of exceptional circumstances.
- 3.13 The Council consider the submission of the amended red line, to accommodate an alternative access position, as a new matter which was not before the Council at the time it made its decision. Hard copies of the appellant's amendments have not been made available to the Council in order to carry out the necessary consultation with DFI Roads. The time frame of 1 week for return of comments would be inadequate to accommodate consultations and response. The Council consider that acceptance of such information by the PAC is extremely prejudicial to the ability of Council to carry out its planning function.
- 3.14 The appeal proposal would require a new access onto the Saintfield Road. The Saintfield Road (A7) is a Protected Route. Policy AMP3 of PPS3 restricts the number of new accesses and controls the level of use of existing access onto Protected Routes. The publication of PPS21 included a consequential amendment to Policy AMP3 referring to circumstances whereby new development involving access to a Protected Route outside Settlement Limits will be permitted. The consequential amendment is included within Annex 1 of PPS21. Transport NI provided a favourable response with a proposed condition relating to visibility splays of 2.4m by 120m on the basis that the proposal is an exception to the Protected Routes Policy.
- 3.15 Consequential Amendment to Policy AMP3 criterion (d) is applicable to cases where development satisfies the criteria for development in the countryside and where access cannot reasonably be obtained from an adjacent minor road the proposal will be required to make use of an existing vehicular access onto the Protected Route. The appeal proposal fails to satisfy the criteria for the principle of a dwelling in the countryside and the site does not make use of an existing vehicular access onto the Saintfield Road (A7). Access could not be reasonably obtained from an adjacent minor road. The proposal does not meet the criteria and is therefore contrary to the Consequential Amendment of Policy AMP3 of PPS3.
- 3.16 Policy CTY13 (a-f) permits a building in the countryside that can be visually integrated into the surrounding landscape and it is of an appropriate design. Criterion

(g) of CTY13 refers to dwellings on a farm and is not applicable to the proposal. The site has a mature roadside and rear boundary. The appeal site is cut from a larger agricultural field, it lacks boundary definition to its SE and NW boundaries. Transport NI proposed a planning condition which would require visibility splays of 2.4m by 120m to provide a safe access, provided the application satisfies planning policy. The visibility splays would require the removal of the full length of mature roadside hedge within the larger agricultural field. This would be a loss of 80m of mature vegetation.

- 3.17 The lack of boundary definition and the loss of over 80m of roadside hedge would result in development relying on new planting to facilitate integration. New planting will require several years to mature and provide sufficient enclosure for the site and in the interim the development would not visually integrate into the surrounding landscape. This is contrary to criterion (c) of Policy CTY13.
- 3.18 Policy CTY14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The appeal proposal would not respect the traditional pattern of development in relation to dwellings No 47, 41 and 39 Saintfield Road. Development of this site accounts for a 20m frontage within a larger agricultural field that shares an 80m frontage with the Saintfield Road. The agricultural field provides a visual break between Nos 39 and 41 Saintfield Road and No 47 which is over 130m NW of No 41. Development of the site would therefore result in the creation of ribbon development along the Saintfield Road. The appeal proposal is contrary to policy and the loss of the 80m length of mature roadside hedge would damage the rural character of the area. The proposal is contrary to Policy CTY14 (c) and (d).
- 3.19 The appeal proposal for a single dwelling would be contrary to the principles of the SPPS and PPS21 as it would result in the creation of a ribbon of development along the Saintfield Road. The development would require new planting for integration, fail to reflect the pattern of development within the area and have an adverse impact on the rural character of the area.
- 3.20 The following five conditions were submitted for consideration on a without prejudice basis, as summarised below;
 - 1) Standard reserved matters time limit.
 - 2) Standard reserved matters condition.
 - 3) Levels to be included on reserved matters plans.
 - 4) Landscaping plan to be included with reserved matters application, and,
 - 5) 1:500 block plan to be submitted with reserved matters showing access to be constructed in accordance with RS1 form.

4.0 **OBJECTORS' CASE**

- 4.1 Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is permitted for the development of a small gap site *"sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size..."*

- 4.2 To meet the requirements of Policy CTY8, a planning applicant must demonstrate that the gap site is only capable of accommodating a maximum of two houses. The case officer's report notes that the application site is the mid-portion section of a much larger agricultural field with a narrow 20m wide frontage. In considering the neighbouring properties, the case officer notes that no. 47 has a site area of 0.2ha with a wide roadside frontage of 48m. No 41 also has a plot size of 0.2ha with a roadside frontage of 53m. Finally no.39 also has a roadside frontage of 53m and a smaller plot size of 0.1ha.

- 4.3 The planning application now subject of appeal proposes a plot size of 0.3ha and a roadside frontage of 20m. However, the case officer's report notes:

"The gap between the buildings of No 39 and No 41 is approx.15m, the distance between buildings of no 41 and 47 measures approx.130m.

The 130m separation distance between the buildings of No 41 and 47 Saintfield Road create a visual break. The site accounts for a 20m roadside frontage within a larger visual break between no 47 and the two dwellings of no 41 and 39. The site does not represent a small gap within a substantially and continuously built up frontage and is contrary to Policy CTY 8 and the SPPS.

The dwellings of no 39, 41, and 47 adjacent to the site each have a wide roadside frontage averaging 52m. The plots associated with the dwellings vary in shape with medium sized plots that measure 0.1ha and 0.2ha in area. Each of the plots have a narrow rear boundary when compared to their frontage along the Saintfield Road.

The site has a narrow roadside frontage that measures 20m wide. This is considerably less than the 52m average frontage of the plots associated with Nos 29, 41 and 47 share with Saintfield Road. The plot size of the site measures approximately 0.3ha which is larger than the plots associated with No 41 and 47. The plot size has a wider rear boundary that measures approx. 44m this would conflict with the existing pattern of development within the vicinity as the plot in terms of its size, scale and narrow roadside width would not reflect the wide roadside frontage and medium sized plots of the development in the area.

Development of a site that has a roadside width of 20m within a larger gap of 130m would create a ribbon of development along the Saintfield Road contrary to planning policy."

- 4.4 Whilst agreeing with the case officer's findings, it is important to add that the approval of this appeal would in fact likely result in planning permission being granted for a further two houses on the wider agricultural field in future.
- 4.5 The proposed frontage of the site comprises a 20m section within a total frontage of 130m. It is obvious that the wider agricultural field is large enough to accommodate more than two dwellings and therefore approval of a dwelling on this middle portion of the site would create gaps either side large enough to accommodate at least a further two dwellings. Approval would therefore be contrary to Policy CTY 8 and would make applications to develop lands immediately adjacent to the appeal site impossible to refuse.
- 4.6 The proposed development of a site with frontage of just 20m within a much larger gap of approx. 130m demonstrates that the gap is larger than that which is capable

of accommodating a maximum of two infill dwellings. Accordingly the proposal clearly fails the test within policy CTY 8.

- 4.7 This issue was previously considered in respect of a planning application seeking full permission for two infill dwellings and garages on the wider agricultural field (R/2013/0554/F). This application was also refused on the basis that the proposal failed to comply with Policy CTY 8 of PPS 21. All appropriate information in respect of this application has been provided.
- 4.8 As noted above, the current appeal seeks an infill dwelling on a plot size of 0.3ha which is out of keeping with the adjacent properties which are 0.2ha and 0.1ha respectively. This does not respect the existing development pattern of the built up frontage in the area.
- 4.9 Policy CTY 8 of PPS 21 has been considered by the Commission in a large number of appeal decisions and gaps of less than 130m have been considered to fail this policy test. For example a gap of 40m was considered to not represent a small gap in appeal decisions 2019/A0029 and 2017/A0167.
- 4.10 The Commission has also refused appeals where a gap was considered big enough to accommodate three dwellings. For example, in appeal decision 2016/A0120 the Commissioner stated:

"In any case Paragraph 5.34 of the amplification text states that it is the gap between buildings which falls to be considered which extends to 140m between the dwellings at Nos 81 and 89. This significant separation distance ensures that it does not read as a continuous line of development as suggested by the appellants. In any case the appeal site forms only part of this extensive gap which cannot be regarded as falling within the definition of 'small'. The head note of Policy CTY 8 states that for the gap site to be small, it should be sufficient only to accommodate up to a maximum of two houses. I agree with Council that the sizeable gap between the existing buildings at Nos 81 and 89 could be subdivided into three plots to readily accommodate three dwellings in a form that would respect the existing settlement development pattern. With a frontage of 37m the appeal site does not reflect the adjacent plot sizes as no 81 has a frontage of 51m whilst no 89 extends to 65m including the driveway. I therefore find that the appeal proposal would not meet the tests of policy CTY 8 and as such there is no infill opportunity at this location".

- 4.11 It is further noted that the appellant relies upon the planning permission for a farm dwelling obtained under reference R/2012/0245/F, forming part of the continuous frontage of the Saintfield Road. The case officer's report for the appeal development clarifies that this permission is located in the field to the north of the roadside field which encompasses the appeal site and has an access through the roadside field that travels approx. 60m along the south eastern boundary of no 47. Whilst development has commenced on this site it does not reflect the building which was approved and has been passed to the Council's enforcement team. The building on site shares its frontage with a private lane. Neither the planning approval or the unauthorised building on the approved site share a common frontage to the Saintfield Road and do not form part of a substantially and continuously built up frontage.

- 4.12 It is our view that a building which has not been lawfully implemented in accordance with its planning permission cannot contribute to the consideration of a continuously built up frontage as required by Policy CTY8 of PPS 21.
- 4.13 In addition it is noted that CTY8 requires a continuous built up frontage which respects "the existing development pattern along the frontage in terms of size, scale, siting and plot size". The case officer's report in respect of the appeal development notes that the dwelling approved by the 2013 permission is sited within the field immediately north of the roadside field. Furthermore the appellant's statement of case notes that the site of the 2013 permission is sited 40m into the field.
- 4.14 Paragraph 5.33 of the amplification text to CTY 8 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 when they are visually linked". The case officer's report notes that the site is situated within a separate field immediately north of the roadside field which forms part of the current appeal site. The image provided within the case officer's report also indicates that the two fields are separated by vegetation. The site therefore has no connection with the Saintfield Road other than via its access laneway and therefore does not have a common frontage onto the road. This was an issue supported by the Commissioner in appeal decision 2015/A0211 at paragraph 5. Access via a single private laneway was also considered by the Commissioner in appeal decision 2013/A0008 at paragraph 8. Separation from the road via an agricultural field was also considered by the Commissioner in appeal decision 2016/A0178 at paragraph 9.
- 4.15 Consequently the farm dwelling does not form part of the common frontage of the dwellings situated along Saintfield Road as it is considerably set back from the road, it is separated by vegetation and its only connection is via its access and therefore cannot be considered to be a gap site within "an otherwise substantial and continuously built up frontage". The 2013 permission should therefore not be considered to form part of the continuous frontage along Saintfield Road. The substantial gap between the adjacent dwellings remains at 130m – a sizeable gap capable of accommodating more than two dwellings and contrary to Policy CTY 8 of PPS 21.
- 4.16 It is evident from the above that this proposal is contrary to planning policy, namely Policy CTY 8 of PPS 21. The gap site cannot be considered a small gap site capable of accommodating no more than two dwellings and the proposal does not respect the existing pattern of development along Saintfield Road in terms of road frontage or plot size. Refusal of this appeal would be entirely consistent with previous decisions of the Commission and accordingly should be dismissed.

5.0 APPELLANTS' CASE

- 5.1 The background to this application relates to a previous refusal of planning permission for two dwellings (R/2013/0554/F) and subsequent PAC decision (2014/A0033) to dismiss the appeal.
- 5.2 A farm dwelling adjacent to the appeal site at 47 Saintfield Road was approved on 4th June 2013 (R/2012/0254/F). This approval is extant and has been implemented as the construction of the dwelling and garage was begun as per the stated

condition. The approval indicated a site boundary extending parallel to the north western boundary some 40m into the field. This approval allows for the front garden and frontage to the new farm dwelling to extend to the road.

- 5.3 Council has not adequately considered the detail of R/2012/0254/F. The site location plan for this approval clearly shows a red line around a 42m wide front garden extending to the road. The effect of this is to enable the farm dwelling to present a frontage to the road, thereby reducing the width of the gap along the road frontage, the main reason for the failure of the previous appeal. It is accepted that the gap of some 120m between no 41 and no 47 Saintfield Road is 'capable of accommodating three buildings', but this is not the case on the ground anymore. Analysis of all the criteria determining the suitability of a gap site to accommodate two dwellings is not limited to analysis solely of frontage width but also includes the plot size, scale and siting of any proposal. The spacing between the buildings and the relationship between existing and proposed buildings would allow for a reasonably uniform pattern of development.
- 5.4 If it is established that the gap between no 47 and no 41 is reduced by 40m, then the consideration of this appeal is changed and compliance with Policy CTY8 is achieved. The frontage of the farm dwelling (no 45) is 40m and the gap between No 45 and No 41 is reduced to some 70m. This gap is then suitable for accommodating two dwellings, one of which is subject of this appeal. In terms of frontage width, analysis results in an average site frontage of 39m. However, whilst it is acknowledged that the appeal site and the other gap site adjacent is somewhat less than the average, the irregular size of some of the sites along this frontage means that the spacing between buildings is also an appropriate consideration as any proposal should respect the existing development pattern along the frontage.
- 5.5 The analysis of the spaces between the existing and proposed dwellings shows a reasonably regular pattern of development along the proposed frontage. Any new dwellings could be positioned within the proposed sites to take account of the irregular nature of the surrounding developments.
- 5.6 Analysis of the plot area demonstrates an average plot area along the frontage of approx. 2496 sq. m. The appeal site has a plot area of 2717 sq. m demonstrating a near average plot area.
- 5.7 A further reason for refusal relates to the Consequential amendment to Policy AMP 3 of Planning Policy Statement 3, Development Control: Roads Considerations. Under the circumstances relating to this appeal, policy does not allow the creation of a new access onto the Saintfield Road. However a new access is no longer proposed, rather it is an alteration to an existing approved access. Copies of the amended layout and the amendment to the site location plan have been submitted for consideration.
- 5.8 Therefore, for the reasons outlined, the Council is misguided in their interpretation of Policy CTY8 and the written statement is fatally flawed in its consideration. The reasoning above demonstrates that the proposal is compliant with policy CTY 8 of PPS 21.

6.0 CONSIDERATION

- 6.1 The main issues in this appeal are whether;
- the proposal is acceptable in principle as an infill opportunity,
 - development on the site would integrate into the landscape and respect rural character, and
 - access can be obtained from the Protected Route (A7-Saintfield Road).
- 6.2 The appellant submitted additional drawings with his statement of case detailing an alteration to the proposed access to the site and an amendment to the red line. Both plans were circulated to the parties at appeal stage. Council have objected to the admission of these plans under Section 59 of the Planning (NI) Act 2011, arguing that this matter was not before the Council at the time of its decision. Access onto the Protected Route was offered as a refusal reason by Council and was part of the Council's consideration of the proposal. An amendment in this regard is not a new matter. Council and third parties have had an opportunity to comment upon these plans so there is no third party prejudice. Furthermore, the amendment to the red line is insignificant and is merely to accommodate a change to the access. All lands remain in the ownership of the appellant and the additional drawings do not constitute a significant amendment to the proposal. Thus, I recommend to the Commission that these amended plans are admitted into the evidence. Further to this, the proposal is assessed on the basis of the amended plans.
- 6.3 Section 45(1) of the Planning Act requires that regard must be had to the local development plan (LDP), so far as material to the application and any other material considerations. 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 Ards and Down Area Plan 2015 functions as the LDP for the area where the appeal site is located. The site is within undesignated countryside, outside any settlement development limit. There are no specific policies in the plan which relate to the appeal development. The other material considerations are discussed below.
- 6.4 Policy CTY 1 of PPS 21 sets out a range of types of development which are acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.
- 6.5 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it goes on to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
- 6.6 The appeal site comprises a rectangular plot which widens towards the north eastern boundary. The south western site boundary has frontage onto Saintfield Road. Council allege that the dwelling under construction to the north is not as per the

approved plans and consider that it does not have a frontage onto the road; this view is supported by the objectors. The appellant relies on this approval to advance his case that the appeal site now constitutes a small gap in an otherwise continuously built up frontage in accordance with policy CTY 8. However, the evidence from the Council indicates that the building presently erected is not in accordance with the approval (R/2012/0254/F). The appellant has not adequately rebutted this or provided a certificate to demonstrate lawfulness. Further to the northwest of the appeal site is a single storey dwelling which sits on the road frontage. To the south east of the appeal site, two single storey dwellings (Nos 41 and 39) occupy road frontage sites.

- 6.7 For the purposes of policy CTY8 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. As demonstrated above there are three qualifying buildings along this stretch of Saintfield Road which occupy direct frontages onto the road (Nos 39, 41 and 47).
- 6.8 The access amendment presented by the appellant as part of the appeal proposal would cut across part of the roadside field which was within the red line of the dwelling under construction. Therefore, even if I could have taken this building into account, this would categorically remove it from the common frontage as the proposed access would sever any frontage which this dwelling would have had to the road.
- 6.9 The analysis of the gap within the frontage presented by the appellant focusses on the widths between curtilages rather than between the dwellings themselves. For the purposes of the policy it is the spaces between buildings along the frontage which constitutes a gap. The gap between the buildings at nos. 47 and 41 Saintfield Road is approx. 130m. The total frontage comprising these three dwellings is approx. 190m in total length. The gap between Nos 47 and 41 therefore comprises almost 75% of this frontage. The break in development does not appear as a small gap but rather as a visual break between the separate elements of the frontage. For these reasons, the gap between the buildings cannot be considered as a small gap.
- 6.10 The appellant has presented quantitative analysis in respect of the existing development pattern. However, whether or not a gap site is suitable for infill development in accordance with the policy is a matter of planning judgment taking into account what is on the ground, so there is also a qualitative assessment required. The frontage width and plot size analysis indicates that the proposed site sits comfortably within the average ranges for both. However, this analysis includes the dwelling which is under construction to the north of the site, which cannot be counted. The host field which includes the appeal site has a road frontage of approx. 85m. The appeal itself site accounts for approx. 65m of this frontage leaving a small frontage of 20m to the south of the appeal site. No 47 has a roadside frontage of approx. 46m, No 41 has a roadside frontage of approx. 52m and No 39 has a roadside frontage of approx. 53m. Therefore the appeal site sits beyond the range of the relevant frontage widths onto the road.
- 6.11 In terms of plot areas, the appeal site as amended is approx. 3000 sq. m. The average plot size of the three dwellings on the road frontage is approx. 1650 sq. m. Therefore the plot area of the proposed site is well in excess of the average range

within this frontage. Whilst this quantitative means of analysis is not the sole means of assessing development pattern within the area, it does demonstrate the disparity between the proposed plot size and the others along the frontage. This disparity is reinforced when one looks at the proposal alongside the existing pattern of development along the frontage. I have already considered that the site is not a small gap site. In fact, as things stand it, could accommodate more than two dwellings, contrary to the policy requirements. The Council have sustained their second reason for refusal in so far as stated. Appeal 2014/A0033 does not assist the appellant's case.

- 6.12 In terms of rural character, the Council are of the view that the development of the site would create ribbon development and result in suburban style build-up. A dwelling at this site would visually link with Nos 41, 47 and 39 Saintfield Road and create a ribbon of development. Furthermore, ribbon development in the manner outlined constitutes a suburban style build-up of development contrary to policy. Therefore the proposal fails to comply with criteria (c) and (d) of Policy CTY 14 of PPS 21 and Council has sustained its second and fourth reasons for refusal.
- 6.13 The Council's main objection in relation to Policy CTY 13 related to the original proposal and the provision of visibility splays. Given that the access has been amended to utilise an existing approved access, similar levels of vegetation would not have to be removed from the frontage of the site. Views of the site are all from the Saintfield Road, therefore the retention of the roadside boundary via condition would assist greatly in integrating a dwelling on the site. The north western and south eastern boundaries of the site are undefined, however the existing roadside boundary is significant. It would satisfactorily integrate a dwelling as would the retention of the north eastern boundary which also comprises sufficient vegetation. These two boundaries provide adequate visual screening to accord with the policy requirements. Therefore, the Council has not sustained its third reason for refusal.
- 6.14 Criterion (d) of the Consequential Amendment to Policy AMP3 details that approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and where access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. This exception to AMP3 can only be exercised when the proposal meets the criteria for development in the countryside. As I have considered above that the proposal does not meet the criteria for development in the countryside, criterion (d) cannot be met. The fifth reason for refusal is sustained.
- 6.15 As no other overriding reasons were advanced to demonstrate why the development is essential, the proposal is also contrary to Policy CTY1. The Council's first reason for refusal is also sustained. Four out of five reasons for refusal have been sustained and they are determining in the appeal.

7.0 **RECOMMENDATION**

- 7.1 For the reasons given, I recommend to the Commission that the appeal be dismissed and that outline planning permission be refused.
- 7.2 This recommendation relates to the following drawings:-

Number	Title	Scale	PAC received
13-77A-01	Site location plan	1:2500	2 nd March 2020
13-77A-02	Site plan	1:1000 @ A1	2 nd March 2020

List of Documents

Planning Authority: -	<p>"A" Statement of case by Newry, Mourne and Down District Council</p> <p>"B" Comments received by Email dated 28th January 2021</p>
Appellant: -	<p>"C" Statement of case by John Kirkpatrick RIBA</p> <p>"D" Rebuttal by John Kirkpatrick RIBA</p>
Third Parties: -	<p>"E" Statement of case by Carson McDowell LLP on behalf of Mr & Mrs L Armstrong</p> <p>"F" Rebuttal statement by Carson McDowell LLP on behalf of Mr & Mrs L Armstrong</p> <p>"G" Comments received by Email dated 27th January 2021</p>

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019/A0155
Planning Ref:	LA07/2019/0181/	DEA	Slieve Croob
APPELLANT	Anthony Flanagan		
LOCATION	152 Ballylough Road Castlewellan		
PROPOSAL	2 Storey side and rear extension to provide ancillary accomodation (Retrospective)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 04/11/2019

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:	2019/A0159
Planning Ref:	LA07/2019/1313/	DEA	Newry
APPELLANT	EDB Construction Ltd		
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		

APPEAL TYPE DC - Non Determination of a Planning Application

Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 13/11/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals**223**

ITEM NO	3	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT	Mr James Rogan		
LOCATION	Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	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	4	PAC Ref:	2020/A0002
Planning Ref:	LA07/2017/1559/	DEA	Newry
APPELLANT	EDB Constructions Ltd		
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
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	PAC Ref:	2020/A0003
Planning Ref:	LA07/2019/1021/	DEA	Rowallane
APPELLANT	Mrs E Fitzsimons		
LOCATION	53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2020/A0045
Planning Ref:	LA07/2019/0573/	DEA	Slieve Gullion
APPELLANT	Mills Smyth		
LOCATION	95 Aughnagurgan Road Altnamackan		
PROPOSAL	^{Newry} Proposed demolition of all existing buildings and replace with dwelling house and garage.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	10/09/2020
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	7		
Planning Ref:	LA07/2020/0194/	PAC Ref:	2020/A0060
APPELLANT	Drumee Farms Ltd	DEA	The Mournes
LOCATION	Lands Approx. 100m NE Of 125 Newcastle Road Castlewellan		
PROPOSAL	Retention of multi-purpose agricultural shed, access from Newcastle Road, via established agricultural gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/09/2020
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:	LA07/2019/1819/	PAC Ref:	2020/A0066
APPELLANT	William Henry McMaster	DEA	Slieve Croob
LOCATION	42a Cherryhill Road Spa		
PROPOSAL	Retirement bungalow		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/09/2020
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	9	PAC Ref:	2020/A0067
Planning Ref:	LA07/2019/1815/	DEA	Newry
APPELLANT	David & Bronagh Strain		
LOCATION	15 Liska Road Newry BT35 8NH		
PROPOSAL	Proposed new dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	17/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2020/A0073
Planning Ref:	LA07/2019/1575/	DEA	Crotlieve
APPELLANT	Mr Gerard Rice		
LOCATION	8 Corcreeghy Road Newry		
PROPOSAL	Retrospective application for the extension of curtilage to include retaining wall, in-filling with inert material, fencing and associated landscaping. Existing Firework containers relocated and form utilisation of car parking.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	23/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals**227**

ITEM NO	11		
Planning Ref:	LA07/2020/0836/	PAC Ref:	2020/A0103
APPELLANT	Mr Dodds	DEA	Rowallane
LOCATION	Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield		
PROPOSAL	Erection farm animal shelter and wintering shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/11/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2019/1119/	PAC Ref:	2020/A0124
APPELLANT	John McKay	DEA	Slieve Croob
LOCATION	75 Mill Hill Castlewellan		
PROPOSAL	2 semi-detached dwellings and 1 detached dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	13		
Planning Ref:	LA07/2020/0027/	PAC Ref:	2020/A0126
APPELLANT	Judy Meharg	DEA	Downpatrick
LOCATION	7 Rocks Road Ballyhornan Downpatrick		
PROPOSAL	Wooden hut on a raised deck (retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2020/0802/	PAC Ref:	2020//A0130
APPELLANT	Greg Kirkpatrick Esq	DEA	Rowallane
LOCATION	Approx. 50m S E Of No 80 Monlough Road Saintfield		
PROPOSAL	Farm Dwelling and Garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/02/2021
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	15	PAC Ref:	2020/A0142
Planning Ref:	LA07/2020/1072/	DEA	Downpatrick
APPELLANT	Chris Ball		
LOCATION	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			

ITEM NO	16	PAC Ref:	2020/A0145
Planning Ref:	LA07/2020/1485/	DEA	Slieve Croob
APPELLANT	Leo McGrenaghan		
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			

Current Appeals

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ITEM NO	17	PAC Ref:	2020/A0148
Planning Ref:	LA07/2020/1376/	DEA	Slieve Croob
APPELLANT	Mr Derek McNeill		
LOCATION	Adjacent To 71 Edendarriff Road Ballynahinch		
PROPOSAL	Infill dwelling and domestic garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	26/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2020/A0155
Planning Ref:	LA07/2020/0939/	DEA	Slieve Gullion
APPELLANT	John Markey		
LOCATION	110msouth Of 11a Ballintemple Road Meigh Newry		
PROPOSAL	Farm Dwelling with Garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/03/2021
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		
Planning Ref:	LA07/2018/0293/	PAC Ref:	2020/A0156
APPELLANT	Paul McEvoy	DEA	Rowallane
LOCATION	Opposite 49 And Adjacent To 56 Darragh Road Darraghcross Crossbar		
PROPOSAL	Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
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 RT34 47N		
PROPOSAL	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	21	PAC Ref:	2020/E0001
Planning Ref:	LA07/2019/1600/	DEA	Slieve Croob
APPELLANT	Mr Paul Cunningham		
LOCATION	5c Teconnaught Road Downpatrick		
PROPOSAL	Existing dwelling		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	16/07/2020
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	22	PAC Ref:	2021/A0006
Planning Ref:	LA07/2018/1601/	DEA	Newry
APPELLANT	Mr K O'Hagan		
LOCATION	65 Stream Street Newry		
PROPOSAL	RT34 1H1 Proposed demolition of existing building and construction of 2 No. apartments		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	18/05/2021
Appeal Procedure	Written Reps		
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		
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	24		
Planning Ref:	LA07/2020/1053/	PAC Ref:	2021/A0012
APPELLANT	Airfibre Limited	DEA	Slieve Croob
LOCATION	Transmission Site At Hamiltons Folly Approx. 295m SE Of 20 Mountain Road Ballinahinch		
PROPOSAL	Retrospective application for 15 m lattice tower, including mast and cabin with security fencing and pedestrian access gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	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			

Current Appeals

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ITEM NO	25		
Planning Ref:	LA07/2020/1187/	PAC Ref:	2021/A0013
APPELLANT	Norman Harvey	DEA	Rowallane
LOCATION	Approx. 25m South Of 32 Kilmore Road Crossgar		
PROPOSAL	Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2019/1390/	PAC Ref:	2021/A0020
APPELLANT	Elizabeth Cherry	DEA	Rowallane
LOCATION	Approx. 78m South Of 94 Lisbane Road Ballynahinch		
PROPOSAL	Proposed erection of a shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	27		
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			

ITEM NO	28		
Planning Ref:	LA07/2020/0920/	PAC Ref:	2021/A0028
APPELLANT	Michael McCarthy & Jarleth McCart	DEA	Crotlieve
LOCATION	North East And Adjoining No 9 Rock Road Newry		
PROPOSAL	Dwelling on a Farm with Domestic Garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	08/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	29		
Planning Ref:	LA07/2020/1077/	PAC Ref:	2021/A0031
APPELLANT	Mr Eammon McAteer	DEA	Crotlieve
LOCATION	12 Cullion Road Mayobridge BT34 2HJ		
PROPOSAL	Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard, polystyrene for transfer to re cycling centers		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		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	30		
Planning Ref:	LA07/2021/0146/	PAC Ref:	2021/A0032
APPELLANT	Paul Wilson	DEA	Slieve Croob
LOCATION	75 Dromore Road Ballykine Upper Ballynahinch		
PROPOSAL	Erection of replacement dwelling, detached garage and conversion of existing dwelling to stables		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31	PAC Ref:	2021/A0033
Planning Ref:	LA07/2021/0096/	DEA	Rowallane
APPELLANT	Mr Bailey		
LOCATION	18a Drumgivan Road Drumgivan Ballvnahinch		
PROPOSAL	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			

ITEM NO	32	PAC Ref:	2021/A0034
Planning Ref:	LA07/2020/0770/	DEA	Newry
APPELLANT	Jamie McDonald		
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		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	33		
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		Date Appeal Lodged	14/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34		
Planning Ref:	LA07/2020/1828/	PAC Ref:	2021/A0051
APPELLANT	Richard Hall	DEA	Slieve Croob
LOCATION	Adjacent And Immediately North Of 42 Old Belfast Road Dundrum 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			

Current Appeals

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ITEM NO	35		
Planning Ref:	LA07/2021/0616/	PAC Ref:	2021/A0052
APPELLANT	Andrew Davis	DEA	Downpatrick
LOCATION	East And Adjacent To 4 Turmennan Road Crossgar		
PROPOSAL	Dwelling at a crossroads/cluster in compliance with PPS21 CTY2a		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36		
Planning Ref:	LA07/2021/0302/	PAC Ref:	2021/A0058
APPELLANT	Anne Mullan	DEA	Rowallane
LOCATION	20 Darragh Road Crossgar		
PROPOSAL	Retention of dwelling as annexe to 20 Darragh Road, Crossgar, with construction of new garage link (Retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 37
Planning Ref: LA07/2020/0622/ **PAC Ref:** 2021/E0013 LDC
APPELLANT Mr Robert Hollywood **DEA** Slieve Gullion
LOCATION Located Upon Lands Approximately 100 Meters North West Of No.34 Church Road
PROPOSAL Shean
 The use of the building is agricultural and used for agricultural storage purposes associated with the existing farm enterprise

APPEAL TYPE DC- Refusal of CLUD
Appeal Procedure **Date Appeal Lodged** 09/06/2021
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 38
Planning Ref: LA07/2020/1532/ **PAC Ref:** 2021/E0014 LDC
APPELLANT Ms Colleen McGinnis **DEA** Crotlieve
LOCATION Lands At No.33B Ballyvalley Road Ballyvalley
PROPOSAL Mavohridge
 The applicant is seeking a Certificate of Lawfulness (COLEUD) for an existing use or development in relation to an existing access arrangement, hardcore access laneway, 2 No ancillary oil tanks and boiler enclosure, ancillary 1 No detached timber garage, ancillary hard
APPEAL TYPE DC- Refusal of CLUD
Appeal Procedure **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



Appeal Decision

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Appeal Reference:	2020/A0029
Appeal by:	Mr D Graham
Appeal against:	The refusal of outline planning permission
Proposed Development:	Two infill dwellings and garages
Location:	Lands between No.12 and No.18 and neighbouring house on private lane, Raleagh Road, Crossgar
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2019/1184/O
Procedure:	Written representations and Commissioner's site visit on 2 March 2021
Decision by:	Commissioner McShane, dated 18 June 2021

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the impact on natural heritage.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as a LDP. The appeal site is located outside any settlement development limit designated in the ADAP. There are no operational policies pertinent to the proposal in the plan. Therefore, I turn to other material considerations.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and appeals. A basic question in assessing any proposal is whether the development would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. The guiding principle of the SPPS 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.
5. Planning Policy Statement 2: Natural Heritage (PPS 2) provides the relevant policy context, given that the issues relate to the natural environment. It is identified by the SPPS as a retained policy document. Policy NH 1 of PPS 2 states that planning permission will only be granted for a development proposal that, either

individually or in combination with existing and / or proposed projects, is not likely to have a significant effect on a European site or a listed Ramsar site.

6. The appeal site (0.38 has) is not located within a designated area; however it is adjacent to Ballynahinch River and is hydrologically connected to Strangford Lough. Strangford Lough is a 150km² marine inlet on the east coast of County Down. It is designated as a Special Protection Area (SPA) under the "Birds Directive", a Special Area of Conservation (SAC) under the "Habitats Directive" and as a Ramsar site.
7. The appeal site is 18km from the designated SPA and Ramsar sites. It is 22km from the designated SAC. Notwithstanding the precautionary approach, which exists in order to protect the environment, where there are threats of serious or irreversible damage, no indication is provided as to how the proposed development would be likely to have a significant effect on the integrity of the SAC, SPA and Ramsar site. No reference is made to the Annex I Habitats of the Habitats Directive that are the primary reason for selection as a SAC, or to the Annex II Habitats present that are qualifying features. Similarly, no reference is made to Annex I of the Birds Directive, to the qualifying species or the marine habitats utilised by the qualifying species that provide the rationale for the designation as a SPA. Nor is any reference made to the criteria under which Strangford Lough qualifies as a Ramsar site.
8. APP Drawing No: WW0719/P/01, submitted in the Appellant's Statement of Case, indicates that the northern boundary of the appeal site is now set back 5m from Ballynahinch River. Any potential negative impacts on it from the proposed development could be addressed by employing best practice construction practices. This could be achieved by the imposition of a condition necessitating the submission and approval of a Construction Environmental Management Plan (CEMP). Among other matters, this could require details of foul waste management. In these circumstances, the Council has failed to sustain its first reason for refusal based upon Policy NH 1 of PPS 2.
9. The appeal site forms part of a wooded corridor that extends along Ballynahinch River from Drumconagher Road bridge to the Rademon Estate. It acts as part of a wider ecological corridor. The site and the area within which it is located are described in the Preliminary Ecological Appraisal (PEA), submitted during the processing of the application, as being productive for bats. Of particular significance in this respect are the adjacent river corridor and the mature trees and high canopy tree cover on the site itself. The Appellant's references to the appeal site comprising grazing / scrub land and heavily improved grassland of low ecological value are incorrect.
10. Policy NH 2 of PPS 2 refers to Species Protected by Law. All species of bats in NI are listed under Annex IV of the Habitats Directive and Schedule 2 of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) (the Habitats Regulations). They are a European Protected Species and as such have a strict level of protection. The Habitats Directive prohibits deliberate killing, catching or deterioration of protected species and damage to or destruction of their breeding sites or resting places. Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species or any other statutorily protected species.

Policy NH 5 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to, among other things, known priority species and other natural heritage features worthy of protection.

11. The assessment of foraging potential and bat roost risk undertaken recognises that the river is probably the busiest foraging area but notes that the whole site is considered suitable. Several of the larger trees were judged to be suitable for bat roosts. Consequently, the Appellant was asked to provide a bat survey.
12. The Council deferred making a decision on the application at the Appellant's request in order to facilitate the undertaking of the survey during the appropriate months. However, it was not provided and nor has it been provided with the appeal papers. In the first instance, it was argued that the Appellant's health issues have led to financial circumstances that render the cost of the survey to be prohibitive. However, these are private matters; the planning system exists to make determinations about the use of land in the public interest. These factors, neither individually nor cumulatively outweigh planning policy.
13. It is subsequently argued that a bat survey is unnecessary as the development could be implemented while retaining all trees identified as having bat roost potential. The revised drawing submitted in the Appellant's Statement of Case includes the proposed locations of the two dwellings. However, the drawing is notated and specifically states that the "green hatching denotes *notional* layout and position of infill buildings" (emphasis as per drawing). Furthermore, the proposed garages are not shown. The drawing does not identify the trees to be retained or the root zones to be protected. An aerial photograph within the PEA that shows a dense tree canopy on which numbers are superimposed does not provide a sufficient level of detail. Similarly, the drawing does not identify the location of rare and protected plant species. Their bloc identification on an aerial photograph in the PEA is insufficient.
14. It is claimed that an Officer at the Natural Environment Division (NED) agreed that the appeal proposal met its requirements, given further notation on the revised drawing submitted. However, there is no formal consultation response to this effect: the view of an individual officer does not constitute a corporate view. In any event, while account is taken of responses received from statutory consultees, the Council makes the planning decision.
15. In the absence of the required information, it has not been demonstrated how the two dwellings and two garages proposed could be accommodated on the appeal site allowing for the retention of the identified trees, the protection of their root zones as well as the protection of rare and protected plant species. The Appellant invited the Commission to site the two dwellings as it sees fit. However, Commission decisions are based upon the evidential context, siting restrictions cannot be imposed in the absence of the detailed evidence required.
16. The PEA also presents an assessment of the presence and habitat suitability for otters, badgers and nesting birds. No evidence of otter holt sites was recorded in the vicinity of the appeal site. No badger setts were identified, although the presence of snuffle holes and a latrine were recorded on site. The northern boundary of the appeal site now stands 5m back from the river's edge, which

- would facilitate free movement of badgers along the river corridor. It seems probable that there are nesting birds on site, given the suitable nesting and feeding habitats noted on and around the site. However, these could be protected by requiring any site clearance to take place outside the nesting period (1 March – 31 August) and this could be conditioned.
17. The Appellant referenced two other appeal decisions; however I have not been persuaded that the circumstances of those sites or the issues arising are directly comparable to those of the appeal site. In any event, each proposal must be assessed in its site specific circumstances. The decisions on those appeals do not justify approval of the appeal proposal, which is contrary to policy as it has not been demonstrated that there would not be harm or an unacceptable adverse impact on priority species. Accordingly, the Council has sustained its second and third reason for refusal based upon Policies NH 2 and NH 5 of PPS 2.
 18. The Third Party Objector expressed concern about the increasing housing density on the single track laneway and the negative impact on the rural character of the area. In this context, the Appellant's receipt of a further planning approval for an infill dwelling and garage between No.16a and No.22 Raleagh Road, which is on the opposite side of the road from the appeal site, was referred to.
 19. Attention is drawn to a statement in Building on Tradition: A Sustainable Design Guide for the NI Countryside (BOT) that an existing stand of mature trees occurring between properties that appear to be ribbon development on plan, can form a visual break between properties that contributes positively to the rural character of such areas. BOT goes on to state that there is no scope for infill in such a ribbon. On this basis it is argued that the appeal proposal should be refused. However, BOT constitutes guidance. Guidance is overridden by policy.
 20. The relevant policy in this respect is Policy CTY 8 of Planning Policy Statement 21 (PPS 21). Paragraph 5.34 of PPS 21 states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the area and help maintain rural character. It goes on to state that "the infilling of these gaps will not be permitted *except* (my emphasis) where it comprises the development of a small gap site within an otherwise substantial and continuously built up frontage". The Council considers that the appeal site constitutes an exception to Policy CTY 8 of PPS 21 and this is not disputed.
 21. The description of development accurately reflects that the proposed infill site is located between No.12 and No.18 and the neighbouring property, albeit the house number (No.20) is not specifically referred to. The location map provided is outdated in that it shows an incorrect layout for No.20 and it does not show No.16a, No.22 and No.24. However, these properties were viewed at the site visit. While an embankment may have been erected at No.8 Raleagh Road to secure the property from flood water, it is located north of the bridge. There was no persuasive evidence of flooding occurring in the immediate vicinity of the appeal site. Furthermore, it is noted that Rivers Agency do not consider a drainage assessment to be necessary in the context of the proposed development. I have not been persuaded that approval of the two dwellings would lead to issues in relation to road safety. The laneway is privately owned by the Appellant. While I note that the occupants of No.20 and 16a have paid for its resurfacing, concerns

about wear and tear caused by additional traffic is a civil matter between the parties.

22. The Third Party Objector's concerns are not determining in this appeal. However, I have already concluded above that insufficient information has been submitted to demonstrate that the proposal would comply with Policies NH2 and NH 5 of PPS. Accordingly, the appeal must fail.

This decision is based on APP Drawing No:WW0719/P/01, submitted in the Appellant's Statement of Case.

COMMISSIONER MCSHANE

List of Documents

Planning Authority:- "LPA 1" Statement of Case and Appendices

Appellant:- "APP 1" Statement of Case and Appendices
"APP 2" Rebuttal Statement

Third Parties:- "TPP 1" Statement of Case
"TPP 2" Rebuttal Statement

Report to:	Planning Committee
Date of Meeting:	28 July 2021
Subject:	Consultation Response: SONI 'Shaping Our Electricity Future'
Reporting Officer:	Anthony McKay, Chief Planning Officer
Contact Officer:	Andrew Hay, Principal Planning Officer

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	The purpose of this report is to notify Members of the Council's consultation response to the SONI 'Shaping Our Electricity Future' public consultation document which was submitted before close of the consultation period on 14 th June 2021.
2.0	Key issues
2.1	SONI, the Electricity Transmission System Operator for Northern Ireland, operates and plans the transmission grid. This includes interconnection with neighbouring grids and the operation of the wholesale electricity market.
2.2	On March 8 th 2021, SONI published the 'Shaping Our Electricity Future' public consultation document, a report that details four potential approaches to change the grid to achieve Northern Ireland's clean energy ambitions, while maintaining an affordable and secure supply for consumers.
2.3	The report outlines four approaches to deliver a clean electricity grid for Northern Ireland by 2030.
2.4	SONI advise that the four approaches could result in up to twenty significant grid development projects to transfer renewable electricity from the north and west to the east, including to the Greater Belfast area where there is most demand.
2.5	SONI also details the possible use of new technologies to limit the number of projects needed and is suggesting that offshore wind and policies to influence the location of generators and future large energy users (such as big industry and data centres) could impact the scale of change to the grid.
2.6	SONI has a central role to play in the transition to cleaner electricity. The Economy Minister has stated an ambition for Northern Ireland of at least 70% electricity from renewable sources by 2030.
2.7	SONI advises that the latest figures from the Department of the Economy show almost 50% of the electricity used last year came from renewable sources. It further advises that the amount of renewable generation connected to the transmission grid will need to double in a

	decade, and so the grid itself requires unprecedented change: It must be made stronger and more flexible in order to carry increasing amounts of clean energy like wind and solar.
2.8	SONI advise that 'Shaping Our Electricity Future' will be the roadmap to decarbonising the power system, which will support Northern Ireland's Net Zero carbon emission commitments over the next 10 years and out to 2050. It will ultimately feed into the Economy Minister's future energy policy development and will support the delivery of NI's future clean energy targets.
2.9	<p>The four approaches set out by SONI in the report are as follows:</p> <ol style="list-style-type: none"> 1. Generation-Led: Government policy would influence where renewable energy is generated – favouring locations where the grid is already strong 2. Developer-Led: Continue to connect new sources of renewable electricity as requested in any location 3. Technology-Led: Use technical solutions to make the grid more resilient, so it can better handle the variable nature of renewable energy 4. Demand-Led: Government policy determines where future large energy users such as big industry and data centres would locate in Northern Ireland
2.10	The Council's response was prepared by the Planning Department with input from the Sustainability Team and the Enterprise, Employment and Regeneration Department.
2.11	The Council's response, using the online questionnaire template, was submitted on 14 th June 2021. A copy of the Council's response is provided in Appendix 1.
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the Council's response to the SONI 'Shaping Our Electricity Future' public consultation document
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p>

	The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation	<input checked="" type="checkbox"/>
5.3	<p>Proposal initiating consultation</p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves</p>	<input type="checkbox"/>
	Consultation period will be 12 weeks	
	Consultation period will be less than 12 weeks (rationale to be provided)	<input type="checkbox"/>
	<i>Rationale:</i>	<input type="checkbox"/>
6.0	Due regard to Rural Needs (please tick all that apply)	
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed</p>	<input type="checkbox"/>
7.0	Appendices	
	<ul style="list-style-type: none"> Appendix 1: Council's response to the SONI 'Shaping Our Electricity Future' public consultation document 	
8.0	Background Documents	
	<ul style="list-style-type: none"> SONI 'Shaping Our Electricity Future' 	

Newry, Mourne and Down District Council

Response to the SONI public consultation report 'Shaping Our Electricity Future'.

Submitted values are:

<p>'Northern Ireland should do everything possible so that by 2030, at least 70% of its electricity comes from renewable sources like wind turbines or solar panels.'</p>	
<p>What do you think of this statement?</p>	<p>Agree</p>
<p>Please include here reasons for your answer, or anything else that gives some context for your views.</p>	<p>Agree with reservations.</p> <p>In October 2019 Newry, Mourne and Down District Council declared a Climate Emergency. As part of this declaration the Council have committed to take immediate and concrete steps to reflect this emergency. Every external body or agency that Council influences or directs need to be preparing for 2030 and this will extend to the general public also through the planning and building control processes.</p> <p>Renewable energies are a vital part of responding to climate change. The Council recognises SONI's commitment to developing a clean energy system as a direct response to the climate crisis. However, because of many years of underfunding the grid network within Northern Ireland is facing major constraints. Current grid capacity and connections are now restricting our local economy and decarbonisation. The grid infrastructure within Newry, Mourne and Down must be developed and enhanced to ensure it meets the district's needs.</p> <p>The Council supports the target set out in the consultation document but considers that as it is "at least 70%" every effort should to made to achieve the highest possible contribution from Renewable Energy by the target date. It also considers that the proposed approaches as outlined in the Consultation Document do not pay sufficient regard to other Strategies such as the Regional Development Strategy 2035 (RDS) and the UK Government's target of achieving Net Zero by 2050. Therefore, it is considered that clarification is required from SONI on how the various proposals would provide a basis for achieving the final target of net zero by 2050, as outlined in the emerging DENI Energy Strategy and in UK Government Policy.</p> <p>Currently a large part of the District, mainly the Mournes, the south east coast, and most of the former Down District Council Area, do not have any HVAC infrastructure. This a concern particularly as the RDS identifies Downpatrick as a Main Hub and Newcastle as a Local Hub; and the two towns together as a cluster of hubs in the delivery of services and functions (see Figure 1 below: Diagram 2.3 – Spatial Framework for NI as set out in the RDS). Despite Downpatrick and Newcastle being the only identified</p>

Hubs in the former Down district, they are not served by the HVAC network. Whilst the transmission network (110kv line) extends to the Districts other Main Hub of Newry in the former Newry and Mourne District Council area of the District, it only extends to Ballynahinch on the former Down side of the District. Furthermore, the HVAC network does not extend beyond Newry to serve Warrenpoint. This is despite Warrenpoint being the only other Local Hub in the District, as identified in the RDS. Nor does it extend along the south east coastal corridor to Kilkeel. Both Warrenpoint and Kilkeel are major employment centres and of regional economic significance. Warrenpoint is a major commercial port, and clusters with Newry in the delivery of services and functions. Kilkeel is the largest fishing port in NI. Issues in relation to the transmission network serving the District were highlighted in the Local Development Plan: Preferred Option Paper (June 2018) and have been repeatedly raised with both SONI and NIE through consultation and engagement in the preparation of the Local Development Plan (LDP).

Figure 1: Diagram 2.3 - Spatial Framework for NI as set out in the RDS



Considering the consultation highlights the importance of offshore wind from off the East Coast as a major contributor to meeting the target, it is curious that none of the grid projects identified in the Technical Report expand the HVAC network into areas such as South and East Down, where the connections between the offshore farms and the grid are likely to be located.

The Council has previously identified this lack of HV infrastructure as a barrier to future investment in the Downpatrick/Newcastle hub cluster in the Preferred Options Paper of the Local Development Plan. It is considered that the proposed approaches overlook the potential for large scale RE generation in parts of the Mournes or from PV systems located across the district which would require the provision of new HV infrastructure to enable it to contribute fully to achieving the target.

	<p>The Council would also highlight that its District is the third largest by population in Northern Ireland and is therefore a significant electricity consumer in its own right, therefore an expansion in the local network is necessary to enable it to play its part in achieving the target. Overall the draft approaches set out appear very "Belfast centric" and while this is the largest source of demand other areas, such as Newry which is shown as a high area of demand in figure 4 of the Technical Report, should not be excluded.</p>
<p>Draft Approach 1: 'When connecting new sources of renewable electricity, locations should be guided by the strength of the grid and demand for power near the proposed site'.</p>	
<p>What do you think of this statement?</p>	<p>Strongly Agree</p>
<p>Please include here reasons for your answer, or anything else that gives some context for your views.</p>	<p>Despite the reservations listed above the Council supports this approach, although the reference to the important role that would be played by offshore wind seems at odds with the lack of intention to expand the HV network towards obvious connection points.</p> <p>The Council notes the Document's statement that solar energy can be located closer to areas of high demand than wind energy, whose operational requirements often limit it to remote locations. While there is still significant potential for the development of onshore wind energy projects, this must be balanced against the need to preserve the scenic character of those remote locations. This is particularly the important in the Council District which contains AONB's in the Mourne, the Ring of Gullion and the Lecale Coast as well as several other protected areas and heritage sites.</p> <p>Therefore, as well as increasing the amount of energy obtained from renewable sources, the Council considers that it is important that this should also be achieved by broadening the range of sources to include a larger contribution from solar as well as biomass, micro hydro etc. As it can be located closer to areas of high demand and can avoid many of the locational and amenity issues associated with wind power, the Council considers that PV systems should be afforded a higher priority.</p> <p>In order to fully maximise the potential for offshore wind the infrastructure to support the full harnessing of this resource either needs to be provided, or a commitment to providing it at the earliest possible opportunity needs to be set out.</p>
<p>Draft Approach 2: 'Companies that develop renewable electricity should decide where to locate new wind or solar farms'.</p>	
<p>What do you think of this statement?</p>	<p>Strongly disagree</p>
<p>Please include here reasons for your answer, or anything</p>	<p>The consultation document admits that the scale of changes needed to make this approach work would not result in the target being met by 2030. Given the increasing scale of the Climate Emergency, the changes to the</p>

<p>else that gives some context for your views.</p>	<p>grid cannot be left to chance but must take place within a framework developed by the Executive.</p> <p>While private companies do have an important role to play in the transition, there must be a balance struck with the need to ensure that as much of Northern Ireland as possible is able to benefit from additional renewable energy.</p>
<p>Draft Approach 3: 'Renewable electricity needs to be moved from remote locations to where most power is used. To achieve this, we should use new technology like high-voltage direct current underground cables.'</p>	
<p>What do you think of this statement?</p>	<p>Disagree</p>
<p>Please include here reasons for your answer, or anything else that gives some context for your views.</p>	<p>Slightly disagree.</p> <p>While the Council acknowledges the issues of integrating HVDC with HVAC grid systems, it considers that this mode of transmission is likely to become more prevalent in future given the growth of large scale users of DC power such as Data Centres.</p> <p>There have been significant new renewables projects in many countries that use HVDC transmission to link with areas of high demand and the Council considers that it is short-sighted to rule out this technology and that the possibility of small scale HVDC systems in specific areas would have potential benefits the district, reinforcing existing HV provision as well as providing more local generation to meet local demand. The Council would refer back to its comments above in relation to the 2050 Net Zero target, and would state that use of HVDC systems is likely to play a part in meeting this objective and therefore some provision should be made at this stage for its possible use.</p>
<p>Draft Approach 4: 'Companies that use a huge amount of power should locate new facilities near sources of renewable electricity and where the grid is strong.'</p>	
<p>What do you think?</p>	<p>Strongly disagree</p>
<p>Please include here reasons for your answer, or anything else that gives some context for your views.</p>	<p>This approach would appear to rule out any substantial investment in the District for the reasons outlined earlier. In addition, it overlooks the potential sources of Renewable Energy in the District.</p> <p>The Council considers that if done with a proper expansion of the grid then such an approach could have significant potential in enabling end users to avail of technologies such as solar to either replace or complement their grid connections but without this investment areas such as South and East Down will be bypassed in favour of Greater Belfast which as referred to earlier, will undermine the aims and objectives of strategies such as the RDS.</p>
<p>Conclusion: Do you have any other feedback or is there anything that you feel we have not considered.</p>	

<p>Do you have any other feedback or is there anything that you feel we have not considered?</p>	<p>The Council would again re-iterate that it supports the overall objective of the consultation but has strong reservations as to the draft approaches for the reasons previously outlined. A new Local Development Plan Strategy is currently being prepared by the Council and it is seeking to create more possibilities for Renewable Energy projects within the District by formulating planning policies that seek to encourage such developments in line with Regional Planning Policy.</p> <p>With this in mind it is disappointing that SONI's strategy appears not to have any regard to the RDS and does not seek to address existing deficiencies in the HV network which the Council has identified as a barrier to investment and undermines the Local Hub Cluster of Downpatrick-Newcastle as well as the commercial ports of Warrenpoint and Kilkeel.</p> <p>A decarbonised future will only happen if all potential sources of renewable energy are exploited fully and government provides the infrastructure to make this possible on the widest possible scale. What is proposed does not appear to make this possible.</p> <p>Whilst it is clear on what SONI aims to achieve in adopting an agreed approach in preparing for clean electricity, the challenge is what structures and initiatives will follow behind to ensure these targets can be achieved as there will need to be significant interventions in preparing for this change, delivering a stronger and more flexible electricity grid, and supporting the achievement of the targets.</p>
<p>Contact details</p>	
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<p>Please provide the name of the organisation, group or company you represent (if any).</p>	<p>Newry, Mourne and Down District Council</p>
<p>What position to you hold in this organisation? (Director, Chairperson, Member, etc.)</p>	<p>Principal Planning Officer</p>
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