



August 23rd, 2022

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 24th August 2022** at **10:00 am** in **Boardroom Monaghan Row Newry** and via **Microsoft Teams**.

Committee Membership 2022-2023

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

Agenda

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

4.0 Minutes of Planning Committee Meeting held on Wednesday 27 July 2022. (Copy Attached)

📎 *Planning Committee Minutes - 27.07.2022..pdf*

Page 1

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

📎 *Addendum list -28 - 08-2022.pdf*

Page 6

Development Management - Planning Applications for determination

6.0 LA07/2021/0987/F - Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F - Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road. (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Richard O'Toole; Stewart Beattie QC and John Cowan on behalf of their client EDB, in objection to the application. **(Submission attached)**
- A request for speaking rights has been received from Tom Stokes; Karen McShane and Brian McConville, in support of the application. **(Submission attached)**
- DfI Roads representatives will be in attendance to answer any queries from Members.

📎 *Watsons Road.pdf*

Page 7

📎 *Item 9- LA07-2021-0987-F (objection).pdf*

Page 18

📎 *Item 9 - LA07 2021 0987 F (support).pdf*

Page 20

7.0 LA07/2019/1009/O Redevelopment of existing residential site - Residential development at 113 South Promenade Newcastle. (Case Officer report attached).

APPROVAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (Barry Hillen, agent, and Mrs Liz Farley, objector, will be available to answer any queries Members might have)
- A site meeting was held on 10 August 2022 - Councillors Byrne, Devlin, Hanna, Larkin, Lewis, Murphy, McAteer, McEvoy and Reilly attended

📄 *LA07-2019-1009-O-COR.pdf*

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📄 *LA07-2019-1009-O- Addendum to COR 13.06.2022 .pdf*

Page 42

8.0 LA07/2020/1864/F Proposed barbers shop / hairdressers - Between no.39 Church Street Rostrevor & no. 2 Water Street Rostrevor. (Case Officer report attached).

REFUSAL

- In line with the updated Operating Protocol no further speaking rights are permitted on this application (John Cole, agent, and Derek McConville, applicant, will be available to answer any queries Members might have)
- A site meeting was held on 10 August 2022 - Councillors Burgess, Devlin, Harte, Larkin, Lewis, Murphy, McAteer, McEvoy, O'Hare and Reilly attended

📄 *LA0720201864F Water Street Rostrevor.pdf*

Page 44

Development Management - Planning Applications for determination

9.0 LA07/2022/0273/F - Change of use application from existing shop (Use Class A1) to proposed Amusement Arcade - 54 Market Street Downpatrick. (Case Officer report attached).

APPROVAL

- This application is being removed from the agenda at the request of Planners to consider a late objection received

📄 *LA07-2022-0273-F - 54 Market Street - change of use (002).pdf*


Page 60

10.0 LA07/2019/1748/F - Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works - Site on

Upper Burren Road between No's 6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road Burren. (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Andy Stephens, Matrix Planning in objection to the application **(submission attached)**
- A request for speaking rights has been received from Colin O'Callaghan, agent in support of the application. **(submission attached)**
- An officer from Environmental Health will be in attendance to answer any queries Members might have

 *LA07-2019-1748-F.pdf* *Page 67*

 *Addendum report 19-1748 May.pdf* *Page 81*

 *Addendum report 19-1748 Aug.pdf* *Page 84*


 *LA07-2019-1748-F (objection).pdf* *Page 87*

 *LA07-2019-1748 (support).pdf* *Page 89*

11.0 LA07/2018/1565/F - Erection of residential development comprising of 5 No. dwellings and 2 No. self contained flats and associated site works - Lands immediately North East of No. 15-17 The Square Newtownhamilton BT35 0AA. (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07.2018.1565.F Housing Newtownhamilton 04.08.22.pdf* *Page 91*

12.0 LA07/2020/1673/F - Residential development consisting of 4no. detached dwellings - 43 Upper Damolly Road Newry. (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07_2020_1673_F.pdf* *Page 103*

13.0 LA07/2021/1212/F Proposed Erection of 2nos camping pods

and 2nos cabin units, washroom/laundry building, car parking, hard/soft landscaping and all associated site works Lands immediately adjacent and north of No 61 Shore Road, Strangford. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Andy Stephens, Matrix Planning in support of the application. **(submission attached)**

[LA07_2021_1212_ADDENDUM 2.pdf](#)

Page 117

[A07-2021-1212-F \(support\).pdf](#)

Page 121

14.0 LA07/2022/0074/O Infill site for 2 dwellings with domestic garages Between 24 and 28 Lough Road Crossgar. (Case Officer report attached).

REFUSAL

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

[CO REPORT 2022 0074.pdf](#)

Page 123

[LA07-2022-0074-O - \(Support\).pdf](#)

Page 128

15.0 LA07/2022/0541/O Dwelling and domestic, garage Approx. 36m SW of 78 Belfast Road, Saintfield. (Case Officer report attached).

REFUSAL

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

[LA07_2022_0541_O 78 Belfast Road\) DPK.PDF](#)

Page 131

[LA07-2022-0541- O \(Support\).pdf](#)

Page 139

16.0 LA07/2021/1381/F - Proposed erection of a rural infill detached dwelling house and additional landscaping - Lands approximately 30m south of no. 59 Bavan Road Drumgath Mayobridge. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Barney McKeivitt, agent in support of the application. **(submission attached)**

📄 *LA07-2021-1381-F.pdf*

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📄 *LA07-2021-1381-F (support).pdf*

Page 156

17.0 LA07/2022/0121/O - Farm Dwelling - Lands approx. 30m South-West of 108a Longstone Road Annalong. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Declan Rooney, agent, Claire Quinn, applicant and Eamon Quinn, applicant's brother. (submission attached)

📄 *LA07-2022-0121-O Longstone Rd Annalong.pdf*

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📄 *LA07-2022-0121-0 (support).pdf*

Page 165

18.0 LA07/2021/1689/F - Demolition of eastern wing of the existing nursing home building and replacement with a new, purpose built nursing home building with ancillary laundry and plant building. Western wing of existing nursing home building to be retained for ancillary office and pottery use associated with the Mourne Grange care facility - Camphill Community Mourne Grange 169 Newry Road Kilkeel BT34 4EX. (Case Officer report attached).

APPROVAL

- Addendum list

📄 *LA07.2021.1689.F - COR.pdf*

Page 167

19.0 LA07/2021/1554/LBC - Replacement of selected existing windows (original building) - Dan Rice Hall Drumaness Road Drumaness. (Case Officer report attached).

CONSENT RECOMMENDED

- Addendum list


📄 *LA07-2021-1554-LBC Dan Rice Hall windows.pdf*

Page 184

20.0 LA07/2022/0073/A - 15 new way-finding directional signs to be erected / existing replaced as per attached drawings in Newry city centre core to include 13 finger directional poles and 2 totem poles with maps, 6 existing finger directional sign posts to be removed and 1 existing sign posts to be lowered - Newry City Centre Core area. (Case Officer report to follow).

APPROVAL

- Addendum list

 *LA07-2022-0073-A.pdf*

Page 189

21.0 LA07/2022/0666/F - New Play Park - 93m South of St Mochais GAC 119 Manse Road Crossgar. (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07 2022 0666 F- Darraghcross GAC.pdf*

Page 196

22.0 LA07/2022/0668/F - Play Park - 7 Rann Road Downpatrick. (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07-2022-0668-F 7 Rann Road Council Playpark.pdf*

Page 202

For Noting

23.0 Historic Action Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated August 2022.pdf*

Page 207

24.0 Planning Committee Performance Report for July 2022. (Attached).

 *July 2022 Planning Committee Performance Report.pdf*

Page 211

25.0 Current appeals and decisions. (Attached)

 *Current Appeals and Decisions July 2022.pdf*

Page 216

26.0 LDP: Progress Report – Quarterly Update. (Attached).

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

📄 *PC Report re LDP Progress - Quaterly Update (1st Q 2022-23).pdf* **Not included**

📄 *LDP Progress - Quarterly Update (1st Q 2022-23)(Report Appendix).pdf* **Not included**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 27 July 2022 at 10.00am in Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor R Burgess
 Councillor L Devlin
 Councillor V Harte
 Councillor M Larkin
 Councillor A Lewis
 Councillor D Murphy
 Councillor L McEvoy
 Councillor G O'Hare
 Councillor H Reilly

(Officials)

Mr C Mallon	Director of ERT
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer (via Teams)
Ms N Largey	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/063/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Byrne and Councillor Hanna.

P/064/2022: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

P/065/2022: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

There were no Declarations of Interest.

MINUTES FOR CONFIRMATION**P/066/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 29 JUNE 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 29 June 2022.
(Copy circulated)

AGREED: On the proposal of Councillor Lewis, seconded by Councillor Devlin, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 29 June 2022 as a true and accurate record.

FOR DISCUSSION/DECISION**P/067/2022: ADDENDUM LIST**

There were no applications on the addendum list for the Planning Committee Meeting on 27 July 2022

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION****P/068/2022: PLANNING APPLICATIONS FOR DETERMINATION****(1) LA07/2021/0987/F****Location:**

Site between 11 and 13 Tullydonnell Road, Silverbridge, Newry

Proposal:

Infill Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:In Objection

Mr Richard O'Toole, Mr Grant McBurney and Mr John Cowan were in attendance.

In Support

Mr Tom Stokes, Ms Karen McShane and Mr Brian McConville were in attendance.

Ms Largey recommended Planning Application LA07/2021/0987/F be deferred. She said the objector to the application had queried the absence of a transport assessment from DfI Roads and as DfI Roads had not addressed that issue and were not present at the meeting, she considered it would be prudent to defer and withdraw the application from the agenda.

Members expressed their disappointment DfI Roads were not present at the meeting, the Chairperson advised the Road Service Official due to attend the meeting had tested positive for Covid 19 and he apologised to the delegation who had attended the meeting.

AGREED: **On the proposal of Councillor Devlin seconded by Councillor Lewis it was unanimously agreed to defer Planning Application LA07/2021/0987/F as per legal advice and to be re-presented at a future Planning Committee Meeting when DfI Roads were in attendance.**

(2) LA07/2020/1864/F

Location:

Between No. 39 Church Street, Rostrevor and No. 2 Water Street, Rostrevor

Proposal:

Proposed barbers shop / hairdressers

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

In Support

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

Issues Raised:

- Mr Rooney said the previous building on the site was erected before current planning guidelines were introduced, he said it would not meet current day standards and therefore very limited weight should be attached.
- Mr Rooney said the character of the area was a very unique form and it was within a designated conservation area. He said the predominant style was 2/3 storey, of simple rectangular form that stepped-up Church Street resulting in a unique interesting roofline.
- Mr Rooney said the original access had been from Water Street and the proposed application, due to the front being filled in, would have the appearance of a single storey building.
- Mr Cole disputed the original access was from Water Street, he said the gate to the access was from Church Street and the wall was still intact.
- Mr Cole said there was one other hairdressers / barbers shop in Rostrevor.
- Mr Rooney said the main area of concern was the form and design and although he welcomed the proposed use of traditional conservation materials, the proposed half gable was totally inappropriate and the staggered extension to the rear was incongruous and detracted from the character of the conservation area.
- Mr Rooney said it was an extremely difficult site to develop and a total redesign and scale back would be required to comply with planning regulations.

AGREED: On the proposal of Councillor Burgess seconded by Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2020/1864/F for a site visit so that Members could assess the site in more detail.

(3) LA07/2022/0121/O

Location:

Lands approximately 30m SW of 108a Longstone Road, Annalong

Proposal:

Farm Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Planning Application LA07/2022/0121/O was removed from the agenda at the request of Councillor O'Hare as the agent was unavailable to attend the Meeting; it will be re-presented at a future Planning Meeting.

P/069/2022: HISTORIC ACTION SHEET

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

Mr McKay provided Members with a verbal update on progress on applications on the Historic Action Sheet.

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

P/070/2022: PLANNING COMMITTEE PERFORMANCE REPORT – JUNE 2022

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

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

P/071/2022: CURRENT APPEALS AND DECISIONS

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

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

The meeting concluded at 11.30 am

For confirmation at the Planning Committee Meeting to be held on Wednesday 24 August 2022.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 24 August 2022

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

- **LA07/2018/1565/F** - Erection of residential development comprising of 5 No. dwellings and 2 No. self contained flats and associated site works - Lands immediately North East of No. 15-17 The Square Newtownhamilton BT35 0AA. **APPROVAL**
- **LA07/2020/1673/F** - Residential development consisting of 4no. detached dwellings - 43 Upper Damolly Road Newry **APPROVAL**
- **LA07/2021/1689/F** - Demolition of eastern wing of the existing nursing home building and replacement with a new, purpose-built nursing home building with ancillary laundry and plant building. Western wing of existing nursing home building to be retained for ancillary office and pottery use associated with the Mourne Grange care facility - Camphill Community Mourne Grange 169 Newry Road Kilkeel BT34 4EX. **APPROVAL**
- **LA07/2021/1554/LBC** - Replacement of selected existing windows (original building) - Dan Rice Hall Drumaness Road Drumaness **CONSENT RECOMMENDED**
- **LA07/2022/0073/A** - 15 new way-finding directional signs to be erected / existing replaced as per attached drawings in Newry city centre core to include 13 finger directional poles and 2 totem poles with maps, 6 existing finger directional sign posts to be removed and 1 existing sign posts to be lowered - Newry City Centre Core area **APPROVAL**
- **LA07/2022/0666/F** - New Play Park - 93m South of St Mochais GAC 119 Manse Road Crossgar **APPROVAL**
- **LA07/2022/0668/F** - Play Park - 7 Rann Road Downpatrick **APPROVAL**

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2021/0987/F

2.0 Date Received: 13.05.21

3.0 Proposal:

Section 54 Application to vary Condition 17 of Planning Permission P/2013/0242/F. Condition 17 reads:

"Prior to the commencement of any works hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI"

to read:

'No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order

and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure.

4.0 Site Characteristics & Area Characteristics:

The application site is composed of 2 main sections, one section to the east of Watsons Road and one section to the west of Watsons Road located within the urban limits of Newry City. (Full details of site and characteristics/area can be viewed in planning report P/2013/0242/F)

5.0 Site History:

- P/2013/0242/F approved 6th September 2019 included condition No. 17 which read as:

Prior to the commencement of any works hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI

- LA07/2020/0282/DC - Discharge of condition No. 17 of Planning Application P/2013/0242/F. Condition not discharged. 23.07.20
- LA07/2020/1918/DC - Discharge of condition no. 17 of P/2013/0242/F. Withdrawn

6.0. STATUTORY CONSULTATIONS

Consultation responses from DfI (Roads)

23.12.21 - DfI Roads have noted the objection letters and our previous comments dated the 20th November (**20.11.21** - DfI Roads are content that this condition can be varied as per the wording submitted) are still applicable.

DfI Roads are content that the stopping up and abandonment are done in line with the phasing plan as the proposed roundabout and existing road network is deemed acceptable to cope with the initial phasing of the

development prior to completion of the remaining phases and the proposed spine road.

7.0. OBJECTIONS & REPRESENTATIONS

Objections & Representations

- 36 neighbours notified
- Advertised initially in June 2021 and following change of proposal description was re-advertised November 2021.
- 6 letters of representation received:
 1. Carson Mc Dowell (3 letters from the same address).
 2. 25 Dromiskin court
 3. 16 Watsons Rd
 4. Watsons Road residents (no address)

Issues raised by objectors:

- Why this change is being requested by the developer/ applicant?

It is the right of the developer/ agent in relation to any application to seek planning permission, this can also include applications made under Section 54 of the Planning Act (2011). This is outside of the remit of the Planning Department to control.

- Adverse effect on all road users and existing residents.

DFI in their consultation responses dated 20.11.21 and 23.12.21 raised no issues of concern.

- The new link road may never happen/ phases 1-4 could be developed without need to construct the new road and phase 5.

The Planning Department cannot pre-determine whether or not the developer will proceed with the development as this lies outside the remit of the Planning Department to control.

- The introduction of a significant variation to the timescale of developing the road infrastructure is not acceptable to the local community

The applicant seeks to vary condition No. 17 of P/2013/0242/F only, this does not introduce a significant variation to the timescale as the remaining conditions set out within the original notice P/2013/0242/F remain applicable including the time restriction in which to implement the permission.

- Agreed with the developer that planning approval required before any houses are occupied to ensure the single-track Watsons Rd at the southern end does not become more dangerous.

DFI in their consultation response dated 20.11.21 and 23.12.21 raise no issue of concern in relation to road safety.

- Request for variation has not been set out in the letter

It is not an unreasonable request by a developer or agent to seek a variation of condition.

- Developer has not been able to reach an agreement with an adjoining landowner to allow the proposed new Watson's Rd to tie into the existing Watsons Rd to comply with planning and road service requirements.

Agreements between landowners are a civil matter which lies outside the remit of the Planning Department.

- Developer does not have the actual possession of every part of the land to which the application relates therefore the RVC1 application section 7 certificate of ownership dated 11th May 2021 not be acceptable to planning.

The developer has completed the Certificate of Ownership under Section 42 of the Planning Act (NI) 2011, confirming ownership and control of lands for the development.

- Increased volume of traffic in highly congested area

DFI in their consultation response dated 20.11.21 and 23.12.21 raise no issue of concern.

- Higher level ground will cause loss of light and privacy

The application relates solely to a roads related matter, amendment to the condition will not cause loss of light or impact upon privacy.

- Correspondence not uploaded

All letters of representation have been uploaded to the Planning Portal

8.0. PLANNING POLICY, GUIDANCE AND OTHER CONSIDERATIONS

8.0.1 The principle for residential development and access arrangements have been established through the granting of planning permission under P/2013/0242/F with relevant planning policy and guidance considered which is fully detailed within the planning report.

Matters relating to policy will not be revisited as the application remains extant.

8.0.2 The applicant has applied for a variation of condition No. 17 of P/2013/0242/F under Section 54 of the Planning Act 2011 which is a roads related condition. The applicant proposes to amend the wording of the former condition as outlined in the proposal description (See 3.0).

8.0.3 Issues for consideration include impact upon road safety, traffic progression, phasing/orderly development of the site, ensuring that the development does not deviate from the requirements of the area plan and there is no impact upon neighbouring amenity, these will be considered further in detail below.

8.1 Background

8.1.1 The original application for a housing development P/2013/0242/F was approved on 6th September 2019 included condition No. 17 which is now subject to a Section 54 application (see wording at section 3.0).

8.1.2 An application to discharge this condition was submitted on the 29th January 2020 (LA07/2020/0282/DC) with consultation carried out with DFI who advised (26.02.20) that the condition could not be discharged until the stopping up process has been fully completed through DFI Roads.

8.1.3 As the condition could not have been complied with, the Planning Department issued correspondence on the 23rd July 2020 refusing to discharge condition No. 17 of P/2013/0242/F until the stopping up process had been fully completed.

8.1.4 Following this, a further application to discharge Condition No. 17 of application P/2013/0242/F was sought some 11 months later (LA07/2020/1918/DC – received 16.12.20).

Having consulted DFI roads they responded on the 24th March 2021 advising that they could not discharge the condition. Given the likely outcome that condition No. 17 of P/2013/0242/F would proceed to refusal the agent subsequently withdrew the application.

8.1.5 After these unsuccessful attempts to discharge condition No. 17 of P/2013/0242/F. It was not deemed an unreasonable request by the agent to seek an amendment/ variation of the condition.

8.1.6 Within 4 months of the previous application (LA07/2020/1918/DC) a Section 54 application (Application for permission to develop land without compliance with conditions previously attached) was submitted on the 13th May 2021 (LA07/2021/0987/F).

8.1.7 Initially the Section 54 application LA07/2021/0987/F was submitted seeking planning permission to vary condition No. 17 of P/2013/0242/F from:

‘Prior to the commencement of any works hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby

permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI' to read:

'Prior to the occupation of any part of the development hereby permitted, the developer will be required to comply with the legislative process to stop up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI'

8.1.8 Following consultation with DFI in their reply dated 7th October 2021 it was advised that they considered the application unacceptable as submitted and further added that DfI Roads do not require this variation of condition to be a prior to occupation condition for the whole development.

The Department would accept a variation similar to the wording of condition 15 of P/2013/0242, which would link the phasing of the proposed development to this condition.

8.1.9 Given the consultation response from DFI the agent submitted a RVC 1 form on the 7th October 2021 which included a change of wording to:

'No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure'

8.1.10 The application was re-advertised on the 15th November 2021 and neighbours re-notified with the amended proposal.

8.1.11 DFI were reconsulted on LA07/2021/0987/F regarding the amended wording of the Section 54 and advised on the 20th November 2021 that they were content that the condition could be varied as per the wording provided.

A further consultation was forwarded to DFI on the 25th November 2021 asking for them to consider all representations received in relation the Section 54 application. They responded on the 23rd December 2021 advising that DfI Roads have noted the objection letters and our previous comments dated the 20th November 2021 are still applicable.

Overall DFI have no objection in principle to the proposed variation of condition and have raised no matters of concern in relation to road safety matters.

8.2 Phasing of Development/ Orderly development of the site:

The decision notice P/2013/0242/F has specified planning conditions 13-15 in relation to the phasing of the development which allow for the progression of development through from:

Condition 13 (Relating to Phase 1 of the development):

No more than those dwellings indicated in Phase 1 shall be occupied prior to the completion of all roadworks associated with Phase 1 on Doran's Hill, Watsons Road and internal housing roads.

Condition 14 (Relating to Phase 2 of the development):

No more than those dwellings indicated within Phase 2 shall be occupied prior to completion of all road works associated with Phase 2 on the new distributor road, Glen Hill, Watsons Rd and internal housing layout.

Condition 15 (Relating to Phases 1, 2 and 3):

No more than dwellings indicated in Phases 1, 2,3 shall be occupied prior to the completion of all road works associated with Phase 3 on the new distributor road, Watsons Road and internal housing layout.

The proposed variation of condition of no.17 in this case follows the existing phasing of the development as set out within the original permission but also binds the developer to provide the required works within each of the phases and complete the legislative process to stop up and abandon relevant parts as identified by DFI.

DFI in their consultation response dated 20.11.20 and 23.12.20 confirm that they are also content with the variation of condition in this regard.

8.3 Road Safety/ Traffic Progression:

DFI in its consultation response dated 23rd December 2021 are content with proposals and have not raised any objection upon road safety or traffic progression matters.

8.4 Area Plan

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, insofar as material to the application, and to any other material considerations.

The site is located within the development limit of Newry. The section of the site which lies to the east of Watsons Road is zoned for housing development (NY53) with defined key site requirements.

The variation of Condition 17 of P/2013/0242/F will not prejudice the residential development of the site nor impact upon the key site requirements as set out within the Banbridge/ Newry and Mourne Area Plan 2015. Despite the requested variation of the condition, key site requirements can still be fully complied with. This proposal is not prejudicial to the area plan requirements.

8.5 Impact to Amenity:

The variation of the condition relates specifically to a roads condition in relation to road safety and traffic progression. DFI in their consultation response dated 23.12.21 have raised no issues of concern and are content that the stopping up and abandonment are done in line with phasing plan as the proposed roundabout and existing road network is deemed acceptable to cope with the initial phasing of the development prior to completion of the remaining phases.

9.0 Recommendation:

The Planning Department has considered the objections submitted in relation to the planning application.

The development of the site for residential purpose as approved under P/2013/0242/F will not be prejudiced by the variation of the condition as proposed. The variation of the condition is in the public interest in that: it will enable the phased release of zoned housing lands; maintain the orderly development of the site; ensure that the key site requirements of the area plan are adhered to; ensure road safety and traffic progression is not compromised. DFI Roads is content with the proposal and has raised no issues of concern. There are no amenity concerns with proposal.

As this is a variation of condition proposal, all other conditions of approval P.2013/0242/F remain applicable unless otherwise discharged.

In this context and for reasons set out within the planning report above it is recommended to approve the application.

Case Officer: P Manley

Date: 20/06/2022

Authorised Officer: P Rooney

Date: 20/06/2022

11.0 Conditions:

1. The condition No. 17 of planning reference P/2013/0242/F is hereby varied to read:

'No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to

commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure.

Reason: In the interests of road safety and traffic progression.

2. This permission hereby granted relates solely to the variation of condition No. 17 of planning permission P/2013/0242/F and shall be read in conjugation with that decision notice. All other conditions of P/2013/0242/F remain (unless otherwise discharged) and shall be adhered to thereafter.

Reason: To ensure orderly development and that all other conditions of the previous approval are adhered to.

WRITTEN SUBMISSION

Application Reference: LA07/2021/0987/F

Proposal: Section 54 Application to Vary Condition 17 of Planning Permission P/2013/0242/F.

Location: Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road

WE REQUEST THE APPLICATION IS REFUSED

As outlined within the correspondence of Carson McDowell LLP dated, 8th August 2021, 8th December 2021, 18th February 2022 and most recently 24th June 2022, significant legal issues arise with the application before the Council, the position of DFI Roads and the recommendation of the Planning Service of the Council. The correspondence of 18th February 2022 has been ignored altogether and the recent correspondence of 24th June 2022 remains unanswered. The significant legal issues remain.

The proposal seeks permission to allow Phases 1-3 of the approved housing to be completed and occupied before relevant parts of Watsons Road have been stopped up and abandoned, and to allow housing in the remaining Phases 4 & 5 to be built before the applicant completes the stopping up/abandonment process.

The application is devoid of any justification or explanation for the change in timing of the commencement of development in advance of the determination of the stopping up/abandonment process. No Transport Assessment has been submitted to properly consider the impacts of allowing Phase 1-3 traffic onto the network, which is contrary to PPS3 Policy AMP6.

The stopping up and abandonment of Watsons Road is required for road safety and traffic progression reasons and goes to the heart of the acceptability of the development under PPS3 Policy AMP2. The delivery of the new road would be required in order to complete the stopping up/abandonment process. Anyone affected by the stopping up/abandonment of Watsons Road also has an opportunity to object to it through that statutory process.

The Applicant invites the Council to pre-determine that stopping up/abandonment process. One outcome of that process could be negative. If the outcome is negative, then critical roads infrastructure cannot be delivered.

If the legislative process required to stop up and abandon the relevant parts of Watsons Road is not successful, the implementation of the road in Phases 1-3 of the development would prejudice road safety and significantly inconvenience the flow of traffic, contrary to PPS3 Policy AMP2.

To downgrade such a condition from precondition immediately compromises the open and transparent independent process required by statute to obtain approval for abandonment and stopping up of public road.

WRITTEN SUBMISSION

DFI Roads is well aware the (then) Minister overturned its original objection to the development proposal specifically on the basis of the delivery of the road improvements to Watsons Road, which includes its realignment and stopping up/abandonment. The proposed development was previously considered unacceptable by DFI Roads under PPS3 policy without the delivery of these works. If they are not delivered, the purported justification for the approval of this development is gone.

The existing infrastructure is unsuitable for all associated traffic. That is the rationale underpinning the original approval that requires stopping up and abandonment from the outset. Permitting this development to commence absent the delivery of the necessary stopping up/abandonment determination is premature and prejudicial to the potential objectors, because the on-going development on the ground gives rise to the inevitable conclusion that the decision-maker in the stopping up/abandonment process will be influenced by that on-going work.

The proposed condition would allow the construction of Phases 4 and 5 housing before the necessary stopping up/abandonment. Should people proceed to occupy this housing in breach of the amended condition, there is a significant difficulty when third party householders are involved, and where it would be difficult for the planning authority to confirm if and when the dwellings are occupied. The difficulty this creates in enforcing this condition is therefore contrary to SPPS Paragraph 5.65, which requires all conditions to be enforceable.

Approving the proposed variation of condition would allow the piecemeal development of housing zoning NY19, which is contrary to PPS7 Policy QD2. This would be of particular concern if the stopping up/abandonment process were to fail and Phases 4 and 5, were to be completed and not able to be occupied. There is legitimate concern that the applicant is unable to deliver the comprehensive development of the zoning and their intention is to undertake piecemeal development contrary to Policy QD2.

The proposal is contrary to the Key Site Requirements of BNMAP Zoning NY55, which requires Watsons Road to be widened and realigned to agreed standards with footway linkage provision – the proposed variation of condition specifically seeks to avoid satisfying this requirement.

The application should therefore be refused for the following reasons:

1. The applicant has not submitted a Transport Assessment to properly consider the impacts of allowing Phase 1-3 traffic onto the existing road network, contrary to PPS3 Policy AMP6.
2. The proposal would prejudice road safety and significantly inconvenience the flow of traffic, contrary to PPS3 Policy AMP2.
3. The condition would be difficult to enforce, contrary to SPPS Paragraph 5.65.
4. The proposal would allow the piecemeal development of BNMAP Zoning NY19, which is contrary to PPS7 Policy QD2.
5. The proposal is contrary to Key Site Requirement 4 of BNMAP Zoning NY55, which requires Watsons Road to be widened and realigned to agreed standards with footway linkage provision.

Reference: LA07/2021/0987/F

Address: Lands at Watsons Rd/Dorans Hill, Newry, inc. lands to the east of Watsons Road

Proposal: Section 54 application seeking to vary condition No.17 of P/2013/0242/F

Committee Meeting: Wednesday 27th July 2022, Item No. 6.0

Dear Members,

I write on behalf of MJM Group to set out the applicant's statement of support, welcoming the officer's recommendation to approve the requested variation of Condition No. 17 referenced above. The purpose of this application was to ensure a practical timeline in construction terms for the lawful delivery of road network improvements granted under P/2013/0242/F. Full Planning Permission was approved on 6th September 2019 for 200no. dwellings and associated improvements to existing road infrastructure. In addition to changes on Watsons Hill Road, these works included construction of a new roundabout at the junction of Watsons Road and Doran's Hill.

The applicant has positively engaged with the Council and other statutory bodies throughout the interim period to successfully discharge conditions regarding Roads, Drainage and Ecology. This work of complying with conditions remains ongoing, with the final prior to commencement conditions currently being worked through by the applicant to enable construction of these family homes to commence later this year.

This submission regarding Condition No. 17 requests variation of the condition wording to allow the applicant to commence development works on site, whilst still ensuring that all other legislative processes out with the remit and process of Planning are complied with. This will ensure the condition wording is not overly restrictive as to stymie the programme of development works commencing. The applicant has sought to tie these legislative processes for the compliance of the abandonment / stopping up processes of DfI Roads to each relevant phase of development works, rather than the original wording requiring these to be actioned prior to commencement of any works approved on site. The site phasing has previously been agreed across five phases of development on these lands, including for all associated road and infrastructure improvements in full within Phases 1 – 3 (as ensured under Conditions 13 – 15 of the parent permission).

We note there have been several representations objecting to the proposed variation on behalf of the adjacent developer (EDB Construction) to the south. We believe that the motive behind objecting is nothing to do with orderly planning or road safety, but the ill-conceived notion that they hold a ransom strip over the commencement of development of these lands due to the wording of this condition, having stopped their own access works 500mm short of the site boundary.

We note that the objector alleges in their submitted correspondence that DfI Roads has failed to understand that the proposed amendment of the condition pre-determines the outcome of the statutory vesting process and further invites the Council to pre-determine that stopping up/abandonment process. This is incorrect and the determination of this application does not pre-determine or fetter in any way what is a separate legislative process. In fact, the objector does remark that one possible outcome of that process could be negative, and the proposal refused and that moreover, participants in that process have a right to object. Nothing before the Committee today prejudices that right or process. They allege that if the outcome is negative, then critical roads infrastructure cannot be delivered, which again is a falsehood

considering that all necessary road works and infrastructure for the housing within Phases 1 – 3 are delivered. The effect of this wording change would be to prohibit the occupation of later phases until the relevant legislative process is satisfied.

The objector further alleges that our client's submission is not sufficient in content and form, and they seek to misrepresent the wording of the original DfI Roads consultation response dated 7th October 2021. However, following further engagement between the Council and DfI Roads, it was noted that this is standard wording employed, and that the requested amendments (from DfI Roads) to the application were met. The applicant now welcomes confirmation from DfI Roads, in both consultation responses dated 20th November 2021 and 23rd December 2021, that DfI Roads are content Condition No. 17 can be varied in accordance with the proposed wording.

The wording before the Council has been presented, upon recommendation from DfI Roads, to tie back to the phasing of housing development and roadworks as stipulated by other conditions attached to the parent permission (P/2013/0242/F). Condition Nos. 13-15 of the parent permission also remain as originally worded, ensuring that all road works associated with each phase will be completed prior to occupation of that number of houses within each.

This ensures that orderly and lawful development works can commence, in line with the approved plans, and to meet with the legislative requirements of the stopping up and abandonment processes.

The applicant remains committed to fulfilling all necessary road improvements, as already agreed with DfI Roads, and fulfilling all relevant statutory processes. The applicant intends to complete the relevant section of approved spine road within their land holding and to the boundary of their control, in accordance with the originally approved Private Streets Determination drawing. The actioning of these legislative processes, beyond the remit of Planning, are tied to the varied wording of occupation of dwellings within Phases 1-3 rather than prior to commencement of any works hereby permitted. This ensures that both the Planning and DfI Roads processes will be complied with in full.

The varied wording of Condition No.17 has been assessed by Officers to be necessary, relevant to the development permitted, enforceable, precise, and reasonable. All tests of a sound planning condition have been met through decision making of the Council and DfI Roads. The proposed variation does not prejudice the delivery of the zoning under the applicant's control, those lands under adjacent ownership, or nearby residents on Watsons Road.

The applicant welcomes assessment by the Council and DfI Roads to approve and respectfully requests members to endorse the officer recommendation so that all relevant legislative processes can be completed, and construction commence expediently on site, thereby ensuring the full upgrade of Watsons Road for not only the proposed development but those already residing in the surrounding locality.

Yours faithfully,

Tom Stokes *MRTPI MIOD*
Director
TSA Planning



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1009/O **Date Received:** 26.06.2019

Proposal: Redevelopment of existing residential site

Location: Residential development at 113 South Promenade, Newcastle

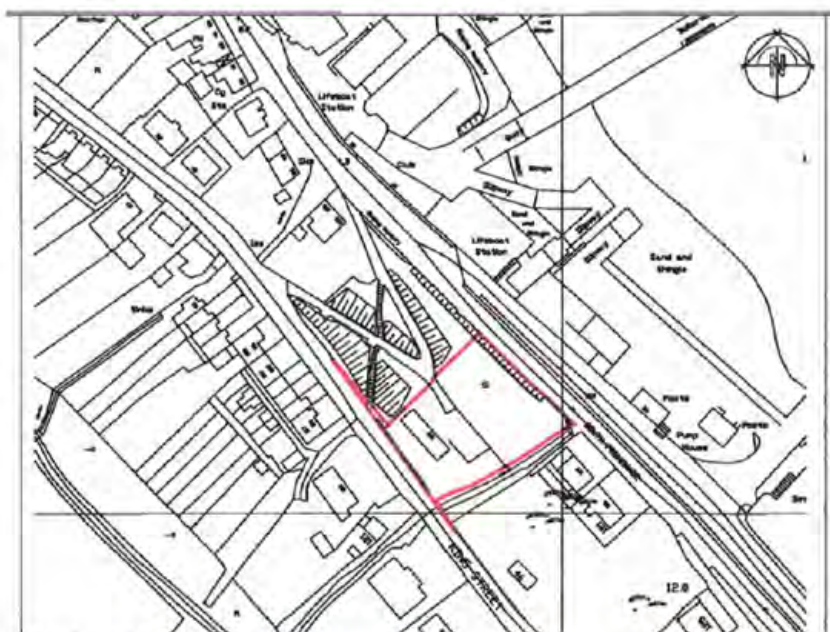
1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

The application site is located approximately 0.5 miles from Newcastle Town Centre along the western side of South Promenade (a Protected Route,) in an elevated location overlooking Newcastle Harbour to the east, with a backdrop of forest / Mourne Mountains further west. This area is Designated as an Area of Townscape Character and Area of Outstanding Natural Beauty.

The site extends between South Promenade to its eastern boundary and King Street to its western boundary, whilst an existing watercourse adjoins the site to the south, connecting into the Harbour area. The site is steeply sloping along an embankment and is largely overgrown and inaccessible by foot, with an existing vehicular access off King Street boarded up.

There is an existing dwelling located in towards the rear / western portion of the site close to King Street. The existing dwelling appears as a dwelling of traditional form, sitting below the road level of King Street, with corrugated roof only visible. Views of the existing building are also limited from South Promenade, owing to change in levels across the site and the site being largely overgrown

The surrounding area is primarily residential and recreational in character; with the site located adjacent to an area of existing amenity open space and recreation located directly north of the site, including a walking path which connects South Promenade to King Street linking to 'The Granite Trail' walking trail, located opposite and west of the site. Surrounding residential properties vary in scale, massing and form, with lower density development to the south and east of the site and higher density (including terraces and apartments) to the north and west of the site.



Site Location Plan



Aerial Photograph (extracted from Design and Access Statement)

2.0 RELEVANT PLANNING HISTORY:

Site History

R/1977/0420 - Bogey hill, Newcastle - passive recreation – PERMISSION GRANTED 02.03.1978

R/1984/0067 - Adjacent to 105 south promenade Newcastle. – dwelling – PERMISSION REFUSED 11.09.1984 (refused on access / road safety)

R/1983/0368 - Adjacent to 105 south promenade, Newcastle - erection of dwelling – PERMISSION REFUSED 11.11.1983 (refused on access / road safety)

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The NI Regional Development Strategy 2035 (RDS)
- The Planning Act (Northern Ireland) 2011
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Ards and Down Area Plan 2015 (ADAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI)

- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 Addendum – Areas of Townscape Character
- PPS6 – Planning Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments
- PPS7 Addendum – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS12 – Housing in Settlements
- PPS15 (Revised) – Planning and Flood Risk

- DCAN8 – Housing in Existing Urban Areas
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards
- 'Creating Places' & 'Living Places' Design Guides

- Third party representations and objections

4.0 CONSULTATIONS:

DAERA Coastal Development (25/07/2019) – Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided, refers to standing advice and informatives.

DAERA Water Management Unit (25/07/2019) - Refer the Planning Authority to DAERA Standing Advice, which includes relevant conditions and informatives.

DAERA Natural Environment Division (NED) (final response 23/02/2022) - Following provision of additional ecological information and amended information, NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, is content with the proposal subject to recommendations and informatives.

DfC Historic Environment Division (HED) Historic Monuments (20/08/2019) - Has considered the impacts of the proposal and is content that the proposal satisfies PPS 6 policy requirements, subject to the completion of a Level 3 Historic Building Survey.

DfC Historic Environment Division: Historic Buildings (HED:HB) (20/08/2019) - Has considered the impacts of the proposal on the buildings and on the basis of the information provided, advise it is unable to provide a substantive response due to lack of information provided. HED:HB request consultation on any further application on this site and advise it will expect any proposal to be appropriately scaled so as not to impact long views/wider context of listed buildings.

DfI Rivers Agency (23/08/2019) – Policies FLD2 and FLD3 are applicable:

- A working strip of minimum 5m width is required between development and King Street Stream which flows along the south-eastern site boundary;
- A Drainage Assessment is required if additional hardstanding exceeding 1000m is proposed

Shared Environmental Services (SES) (29/11/2019) - Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the necessary mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. Mitigating conditions attached.

NI Water (22/08/2019) – Public water supply and foul sewers available, with capacity to serve the development at Newcastle WwTW. No surface water sewer available, therefore drainage details will be conditioned.

5.0 OBJECTIONS & REPRESENTATIONS:

This application was advertised initially in local papers on 10th July 2019 and the statutory advertising period subsequently expired on 24th July 2019.

14 neighbouring properties in total have been notified of the application by letter, with the statutory notification period also expiring on 24th July 2019. It is noted that several letters have been returned by Royal Mail; including letters from No's; 46 117, 121 and 125 King Street.

25 objections have been received at the time of writing this report (April 2022) from the following addresses:

- King St – No's 54A, 55, 75 (x2,) 77, 85, 89, 93, 101-103 (x 2,) 105-107, 109 (x 2,) 111, 119, 123, 125A 131, 139,
- South Promenade No's – 103 (x 2,) 105 (x2,)
- Coastguard Villas – No.1 (x2)

The above includes 2 no. petitions of objection, with 15 no. identical objections and 8 no. identical objections submitted, signed by residents of the above properties. In addition to these petitions, 2 no. separate letters have been submitted from No's 101-103 King Street and 109 King Street.

The following list is intended as a summary of the material planning issues raised within the submitted objections and does not preclude the detailed submissions which are placed on file for full consideration:

Access / Road Safety and Pedestrian Movement /Safety

- *Impact on King Street from increased traffic flows (exacerbating existing parking and traffic flow issues and safety concerns arising from informal 'turning circle' at the access road leading to No's 103-105, increasing congestion problems including buses unable to pass,*
- *Impact on pedestrians unable to access safe pavements as a result of vehicles parking on hill verges – including at Bogey Hill amenity area*
- *Application fails to demonstrate the traffic impact on King St and it has not been demonstrated that the road onto South Promenade cannot be used for access in lieu of King Street*
- *Impact from construction vehicles in an area with no space available*
- *Residents along King Street already struggling to get parking spaces;*
- *Impact on the steps and footways of Bogey Hill – including concerns around using this area during and after construction including for vehicles;*
- *No footways in the area, unsafe facilities for pedestrians*
- *Bogey hill is the only safe place for children to play along King St, if this is taken from them where do they go?*

The proposal seeks to alter the existing access off King Street to serve the residential development. The above comments are considered and in consultation with DfI Roads, the Planning Authority are advised that the proposal is compliant with road safety requirements as set out in the relevant policies (including PPS3, DCAN15.)

The issue of parking is noted. Siting and design are matters left reserved; therefore car parking provision will be required to be assessed in detail through a Reserved Matters application to ensure that there is sufficient parking within the application site to serve the proposed development in accordance with PPS3 and DOE Parking Standards.

Natural Heritage

- *Impact on the flora and fauna, with foxes, badgers, deer, birds, bats all in the area and who may reside on the site;*
- *The site contains natural mature woodland of important habitat in addition to a stream to the east supporting local wildlife. The proposed scale and density of development and impact on natural environment is concerning.*

Throughout the course of this application, ecological surveys and additional information were required to fully assess natural heritage matters, as considered by PPS2. In consultation with DAERA's Natural Environment Division, the principle of residential development is acceptable, however this is conditional a number of natural heritage

requirements being met including: the provision of a protected species licence from NIEA prior to any works being carried out, in addition to compensatory habitat measures being incorporated into the detailed scheme to protect a known protected species, the provision of a detailed Lighting Plan at Reserved Matters stage to assess the proposed light spillage and impact on biodiversity, the provision of a Construction Method Statement at Reserved Matters stage to detail all mitigation and avoidance measures to protect the aquatic environment, the provision of a 10m buffer from the watercourse to protect designated sites from any contamination from construction, the provision of a long term buffer to the watercourse (minimum 5m) from all development to ensure long term access and maintenance to the river. On the basis of the advice from DAERA NED, who are the statutory consultee in this regard, the proposal is considered acceptable in principle to Natural Heritage requirements, conditional to all detailed requirements being addressed through a Reserved Matters application.

Character of the Area

- *Adverse impact on AONB – e.g. through use of infill, retaining walls for dwellings to sit level with King Street (inadequate detailing)*
- *The Granite Trail is a pedestrianised walking trail of historic importance to the town and central to the character of the harbour area. To build a modern multi-storey high density development immediately adjacent to the Bogie Hill would be an act of extreme folly;*

The Planning Authority has noted the concerns regarding the indicative site layout in terms of the impact of the proposal on the character of the area including AONB and ATC designations and agree that the indicative layout proposed is unacceptable in its current form and is not acceptable in the wider context of the designation. Whilst redevelopment for the purpose of a residential use is acceptable in principle, the indicative layout plan will not form part of any planning approval this will be reinforced by way of a planning informative to advise the developer that the indicative layout is not acceptable. Design is a matter left reserved at this stage however and it will fall to be considered further through a Reserved Matters application, in consultation with Historic Environment Division.

Archaeology

- *It is likely that archaeological remains will be encountered during the course of development (reference to Policy NE19 AAP)*

HED Historic Monuments (the competent authority in this regard) has assessed the proposal and is content that the proposal satisfies PPS 6 policy (including archaeological) requirements, subject to the completion of a Level 3 Historic Building Survey being carried out. This will be dealt with by way of necessary planning condition/s.

Non-material planning issues

The following issues below are non-material planning issues and cannot be given any determining weight in this assessment:

- *Impact on views of residents*
- *Impact on residential values*
- *Concerns regarding structural damage to neighbouring properties and permanent de-stabilisation.*
- *Concerns regarding impact on combined sewer and storm drainage systems on Bogie Hill*
- *Impact on peaceful use / enjoyment of home, including during construction*

In summary and in giving determining weight to the above, the applicant has been required to provide additional information in relation to ecology to ensure the necessary requirements are met. In consultation with the relevant authorities, road safety, natural heritage, archaeological requirements have been fully considered and addressed, subject to the necessary planning conditions being met. Concerns in relation to character of the area and residential amenity and parking will fall to be given detailed consideration at Reserved Matters stage following receipt of a detailed proposal.

6.0 CONSIDERATION AND ASSESSMENT:

6.1 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

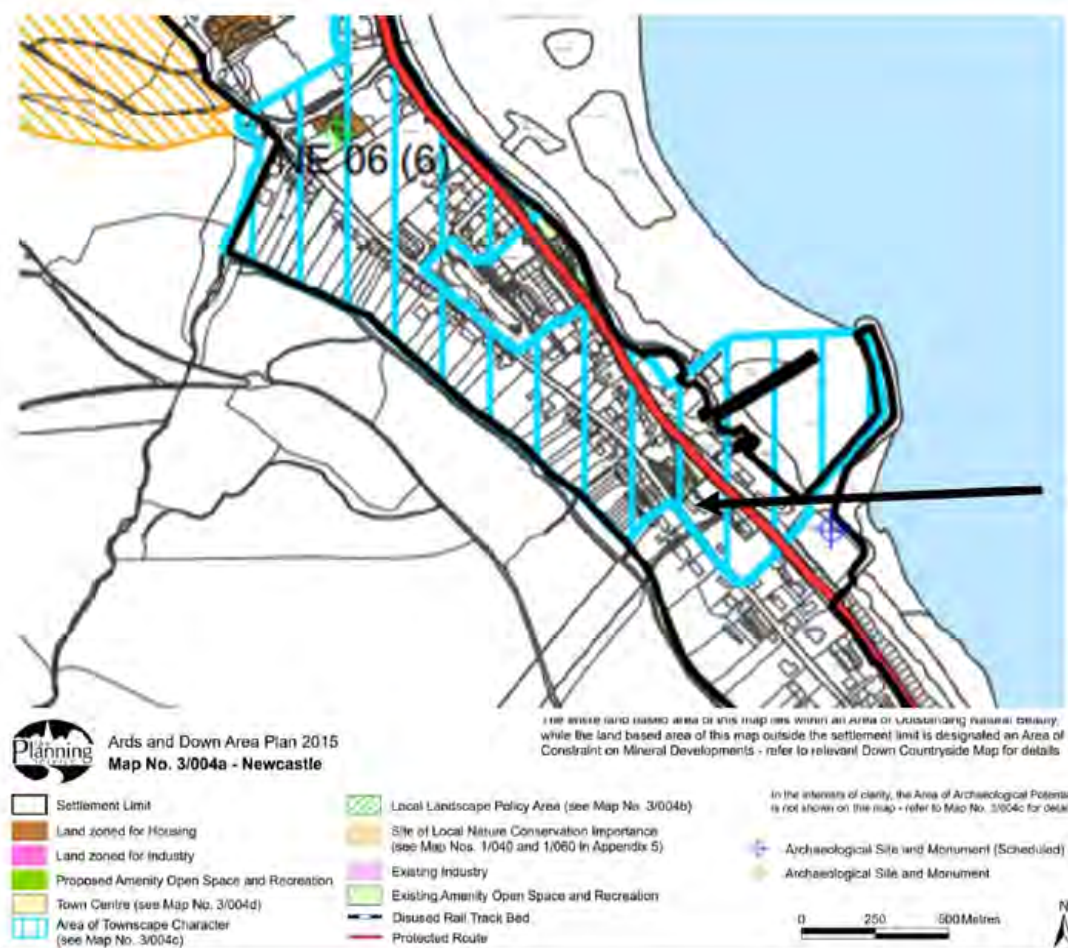
The proposal meets the description listed in Schedule 2 of the above regulations and is located within a sensitive area (Area of Outstanding Natural Beauty) although does not fall within the relevant threshold (column 2) of Schedule 2 as the site area is less than 0.5ha. As proposals also represent a redevelopment of a formerly developed site whereby there is no likely significant environmental effects and therefore an Environmental Statement is not required.

6.2 RDS and SPPS

Policy RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Its aim of supporting good design and positive place making while preserving and improving the built and natural environment is of relevance to this assessment.

6.3 Ards and Down Area Plan 2015 (ADAP 2015)

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 inside the settlement development limit of Newcastle (NE01) on un-zoned land that has previously been developed for residential use. The proposed land use is in keeping with existing built form found at this location and does not conflict with the area plan in terms of the development principle.

Policy NE18 of The Plan (The Harbour, The Rock and King Street Area of Townscape Character) is relevant to this assessment and directs that all new development in the harbour area should reflect its scale, its maritime and local vernacular and style in form, detail and materials, and be compatible in terms of use. The largely Georgian buildings forming the cluster on either side of the coast road are integral to the harbour scene but of more sophisticated architectural style. They are a significant group and emphasis should be placed on conservation of the existing fabric and character with particular attention given to massing, scale, detailing and materials. The proposed residential

development is acceptable to NE18 in terms of a compatible use. In the event of an approval, the assessment of scale, form, design, and detailing will be considered in more detail through a Reserved Matters application.

Policy NE14 (Apartments) sets out detailed requirements for apartment development in Newcastle. The proposal incorporates terraced townhouse style properties, therefore NE14 is not applicable; however if the design should be amended to incorporate apartments, the plan requirements of Policy NE14 will be engaged.

The proposal is acceptable to Plan requirements in principle, subject to Policy NE18 being met through an appropriate detailed scheme.

In addition to the Plan requirements considered above, the impact of the proposal on additional designations and constraints including: Residential amenity, Area of Townscape Character, Area of Outstanding Natural Beauty (AONB,) Listed Buildings / Structures, Archaeology, Flood Risk, Road Safety and Natural Heritage, is further considered in detail below, in accordance with the SPPS and Prevailing Planning Policy requirements.

6.4 Strategic Planning Policy Statement for Northern Ireland (SPPS)

- 6.4.1. The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3) It is considered that the proposal is in accordance with the principles set out in the SPPS and other policy considerations for the reasons set out below.

6.5 SPPS and PPS2: Natural Heritage

Policy NH1: European and Ramsar Sites and NH3: Sites of Nature Conservation Importance (National)

The potential impact of this proposal on European Designated Sites has been assessed through a HRA screening. And following necessary consultation with Shared Environmental Services (SES) the application has been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by 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 nature, scale, timing, duration and location of the project it is concluded that, provided necessary mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site (including uphill Eastern Mournes SAC and downhill and hydrologically connected Murlough SAC.)

The necessary mitigation measures are detailed by way of planning conditions at the end of this report.

DAERA's Natural Environment Division (NED) has considered the relevant information provided in addition to the nature of the development, the pollution prevention measures outlined in the Construction Method Statement (26/06/2019) and the distance to the designated site of c.200m, advise that there will be no likely significant impact on Murlough ASSI / SAC. Provided appropriate pollution prevention measures are implemented during the construction and operational phases of the development, the proposal is unlikely to have a significant impact on this designated site.

Policy NH2: Species Protected by Law and NH5: Habitats, Species or Features of Natural Heritage Importance

NED raised concerns initially and in the absence of further information, advised the proposal would be contrary to PPS2 in that the development would be likely to harm a protected species and insufficient information has been submitted to establish otherwise. In addition, NED has provided advice in relation to the existing watercourse (priority habitat and wildlife corridor,) wild birds and potential invasive species on site (The PEA noted that *Rubus* spp. was identified on the site, and NED sought clarification from the ecologist if this was Salmonberry.)

Since NED's initial comments, further ecological information has been submitted, including; a PEA, Ecological surveys, clarification that the mature Sycamore tree noted on the site to have a bat roost is to be removed to facilitate the development, with proposed bat boxes detailed to compensate for this loss (drawing provided with proposed bat box locations and specifications provided,) clarification from Blackstaff Ecology that the site contained Bramble (*Rubus fruticosus* agg.) and no Salmonberry was found during a further ecological inspection of the site.

NED having assessed all of the information submitted, consider that the proposal is unlikely to have a significant impact on the protected species provided the proposed measures are followed and conditions are attached to any decision notice to ensure that a Wildlife Licence is granted prior to any works on the building and trees with known bat roost. NED also advise that on the basis of the submitted information, it is unlikely that there will be any impacts on other protected species, however, depending on the timeframe to Reserved Matters, further surveys may be required. Upon consideration of the proposal,

Finally, NED also considers that the proposal is unlikely to have a significant impact on other natural heritage interests, subject to necessary recommendations, as detailed in the conditions and informatives further below and on the respective decision notice.

Policy NH6: Areas of Outstanding Natural Beauty (AONB)

Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all the criteria as set out in policy NH6 are met. As this is an outline application, details

with regard to design, size, scale and layout are matters reserved for further assessment through a Reserved Matters application.

6.6 SPPS, PPS3: Access, Movement and Parking, DCAN15: Vehicular Access Standards and DOE Parking Standards

The proposal includes altering of the existing access off King Street to serve the proposed development. DfI Roads initially sought additional information in the form of:

1. Existing levels of the site for the proposed entrance. Existing and proposed.
2. A 1/500 concept plan for the proposed development.

Having been provided with the above, DfI Roads has advised that there are no objections to the proposal, subject to the necessary access conditions being met. As an outline application details regarding layout and parking will be matters reserved for detailed stage. These details will form part of a planning condition for a scale plan and accurate site survey to be submitted at detailed stage.

DfI Roads has considered the third party objections uploaded at this time (13 January 2020) and offer no objection to the proposal on the basis of road or pedestrian safety. Whilst the third party concerns are noted, the Planning Department must give the determining weight to the advice of DfI Roads who are the competent authority in relation to such matters.

6.7 SPPS and PPS6 Addendum: Areas of Townscape Character (ATC1: Demolition Control in an ATC, ATC2: New Development in an ATC)

The site is located within The Harbour, The Rock and King Street ATC, as identified by NE18 of The ADAP 2015. The Harbour, by virtue of its location and function, has a singular sense of place quite distinct from its immediate environs. King Street also has a distinct sense of place, with buildings and groups of buildings which display a distinctive character. The older buildings and groups are dispersed with more recent developments inserted into the spaces between.

Under Policy ATC1, there is a presumption in favour of retaining any building which makes a positive contribution to the character of an ATC and demolition of an unlisted building in an Area of Townscape Character will normally only be permitted where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted, this will normally be conditional on prior agreement for the redevelopment of the site. The key considerations for this policy test are:

- the contribution of the building to the ATC and the effect of its demolition on the distinctive character of the area; and
- whether the quality of proposals for the redevelopment of the site will maintain or enhance the distinctive character of the area.



Views of site and building to be replaced from King Street showing No.113 South Promenade



Views of site from South Promenade

The existing building on site to be replaced is considered a non-listed vernacular structure (when considered against the characteristics set out in PPS21 Annex 2 - Vernacular Buildings,) which is present on the 1st and 2nd edition Ordnance Survey maps (c. 1830's and 1850's respectively). The site is largely overgrown, with the building screened from view from South Promenade and its roofline visible from King Street, set below road level. Arguably the building does not make a material contribution to the character of the ATC given both its current condition and positioning away from view. On this basis, its demolition would be considered to have little effect on the distinctive character of the ATC, conditional to the prior agreement of redevelopment of the site (including a survey of the existing building to be carried out – see PPS6 assessment.) On this basis, the proposal in principle, is considered acceptable to ATC1, subject to the necessary conditions being met.

Under Policy ATC2, development proposals in an ATC will normally only be permitted where the development maintains or enhances its overall character and respects the built form of the area. This policy also requires that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. This element of the policy can be further addressed on submission of detailed drawings at reserved matters stage.

To comply with NE18 of ADAP 2015, to sustain and enhance the distinctive character and sense of place generated by the harbour and its surroundings, new development should reflect its scale, its maritime, local vernacular and style in form, detail and materials, and be compatible in terms of use. Emphasis should be placed on conservation of the existing fabric and character with particular attention given to massing, scale, detailing and materials.

Within the King Street area, development will also be expected to conform to the prevailing residential use and applicants will be expected to demonstrate how development proposals respect the overall character and topography and preserve the local environmental quality.

As this is only an outline application, the assessment of these matters are limited, however it is accepted that the proposal in principle, presents the opportunity to maintain or enhance the ATC and the opportunity for betterment in accordance with ATC2. This will be conditional to the requirements of both ATC2 and NE18 being fully met through a detailed proposal and Reserved Matters Application.

6.8 SPPS and PPS6: Planning Archaeology and the Built Heritage (Including BH11: Development Affecting the Setting of a Listed Building)

The application is in proximity to Widows Row (Grade B2) which is of special architectural and historic importance, protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the buildings and on the basis of the information provided, advise it is unable to provide a substantive response due to lack of information provided. HED:HB request consultation on any further application on this site and advise it will expect any proposal to be appropriately scaled so as not to impact long views/wider context of listed buildings. This will need to be assessed in detail in consultation with HED, following receipt of a detailed proposal.

Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal and is content that the proposal satisfies PPS6 policy requirements, subject to the completion of a Level 3 Historic Building Survey. This matter will be dealt with by way of planning condition as detailed at the end of this report.

6.9 SPPS and PPS12: Housing in Settlements (PCP2, PCP3) PPS7: Quality Residential Environments (QD1,) PPS7 Addendum: Safeguarding the Character of Established Residential Areas (LC1, LC2,) PPS8: Open Space, Sport and Outdoor Recreation (OS2,) PSRNI (SP18 and DES2), DCAN8: Housing in Existing Urban Areas and Creating Places

PPS12 - Housing in Settlements

Planning Control Principle 2 - Good Design

As an outline application details with regard to design and layout will be matters reserved for detailed drawing stage.

Planning Control Principle 3 Sustainable form of development

The site is contained within the settlement limit of Newcastle on lands which have been previously developed for residential use. The redevelopment residential proposal within this urban setting is encouraged and is in accordance with sustainable forms of development outlined within PCP3.

DES2, SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1 PPS7 (Addendum)

Policy QD1 of the PPS7 states amongst other things that planning permission will only be granted for new residential development where it is demonstrated that the proposals will create a quality and sustainable residential environment drawing upon the positive aspect of character and appearance of the surrounding area.



The above Indicative Site Layout Plan (Drawing No. A3-04) has been submitted for information purposes only at this stage, but is fully considered: In its current form, the indicative proposal fails to meet the above policy requirements and falls short of providing a high quality residential layout which meets the requirements of policy QD1.

This includes (but not limited to) concerns in relation to: layout generally, large areas of hardstanding, proposed density (overdevelopment,) positioning and amount of private amenity space provision for dwellings (limited garden depths for each dwelling and restricted plot sizes will not allow for future proofing,) car parking provision, relationship of dwellings 1-5 to the Road and harbour (and their contribution to ATC character,) relationship of units 4 – 12 to the SE

boundary and King Street Stream (10m construction buffer required to meet HRA requirements and a 5m maintenance strip required to meet PPS15 (revised) FLD2.) limited details regarding retention of landscaping and proposed landscaping.

Whilst the principle of residential re-development is acceptable given the site's former use as well as its location within the settlement limit of Newcastle, which is in accordance with principle with the area plan, the current conceptual plan is unacceptable for the reasons set out above. These concerns would also fail to address the detailed requirements of the plan in relation to the ATC, as outlined under NE18; this will be further reinforced by an informative outlining that the indicative layout is unacceptable and should not be presented as part of future consideration for redevelopment of this site.

Matters relating to house types, design and layout can be reserved for detailed drawing stage with these issues outlined above resolvable through a careful design and layout. This does not preclude the development from adhering to the provisions of policy through a refined design and layout submission at reserved matters / detailed drawing stage.

6.10 SPPS and Revised PPS15: Planning and Flood Risk (FLD2: Protection of Flood Defence and Drainage Infrastructure, FLD3: Development and Surface Water)

King Street Stream, which is designated under the terms of the Drainage (Northern Ireland) Order 1973, flows along the south eastern boundary of the site. DfI Rivers Agency advise that in accordance with 6.32 of this policy, it is essential that a working strip of minimum width 5m is retained. This working strip is required to be shown on a site layout drawing and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. As this is an outline application, a negative condition will be included to ensure that these requirements are met through the detailed proposal to be submitted.

The proposal seeks to discharge surface water via existing storm drains; however NI Water advise that there is no public water surface sewer available to serve the proposal. The developer will be required to confirm that they have consent from either NIW for the requisition of a new sewer or alternatively consent from DfI Rivers to discharge water into the nearby watercourse.

In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a Drainage Assessment is required if additional hard-standing exceeding 1000m² is to occur. Detailed plans are not currently available to assess whether a DA is required, however when queried, the agent has confirmed that the proposed hard standing will be below this threshold. A planning condition will be necessary however to ensure that in the event that these thresholds are triggered, a Drainage Assessment is provided and further consultation with DfI Rivers undertaken to ensure FLD3 requirements are met.

6.11 SPPS and Residential Amenity

Paras 4.11 and 4.12 of the SPPS highlight the role the Planning Department has in safeguarding residential amenity when assessing development proposals. The indicative layout presents concerns in terms of the amenity of occupants of the proposed dwellings. It is noted that this plan has been submitted as an indicative layout, the full detail and assessment of residential amenity (both existing and proposed residents) will be fully considered on receipt of detailed drawings through a Reserved Matters application.

7.0 Recommendation:

Approval (subject to the conditions below being met.)

8.0 Planning 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 under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-
 - Siting; the two dimensional location of buildings within the site.
 - Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.
 - External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

- Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.
- Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

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

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

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

6. The development hereby permitted shall take place in strict accordance with the following approved plan:
 - Drawing No. A4 - 01 (Site Location Map, date stamp received 26 June 2019)

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

7. The redevelopment works hereby approved shall be solely for residential development.

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

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

Reason: To ensure the dwellings integrate into the landform and in the interest of residential amenity.

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

Reason: In the interest of visual amenity.

10. No site works of any nature or development shall take place until a Level 3 Historic Building Survey has been prepared by a qualified archaeologist / conservation architect and submitted to and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities.

Reason: to ensure that archaeological remains within the application site are properly recorded prior to demolition.

11. Prior to commencement of the development hereby approved, the method of sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

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

12. Should the proposed layout include an additional area of hardstanding of 1000m² or more, a Detailed Drainage Assessment shall be submitted as part of the Reserved Matters application in accordance with Policy FLD3 of Planning Policy Statement 15 (Revised.)

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

13. Prior to commencement of development hereby approved, the method of storm water disposal shall be submitted to and approved in writing for the agreement of the Council's Planning Authority in the form of either a formal agreement from NI Water or a Schedule 6 Consent from DfI Rivers Agency to discharge storm water into the existing watercourse.

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

14. A scale plan shall be submitted as part of the reserved matters application showing a working strip of minimum width 5m between the existing watercourse and all development. The working strip shall be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development and access to and from the maintenance strip shall be available at all times.

Reason: To facilitate future maintenance of the watercourse by the Rivers Agency in accordance with Policy FLD2 of Planning Policy Statement 15 (Revised.)

15. No works are permitted to be carried out on the existing building and tree identified as having a bat roost until a Protected Species Licence has been obtained from NIEA, the details of which shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure protection of protected species

16. Scaled plans shall be submitted as part of the reserved matters application showing bat boxes to be incorporated into the development. The details of which shall be submitted to and agreed in writing with the Local Planning Authority. The bat boxes shall be implemented in accordance with approved details and maintained in perpetuity.

Reason: to ensure protection of protected species

17. A detailed Lighting Plan shall be submitted as part of the Reserved Matters application, and shall provide details of proposed artificial lighting, to include a map showing predicted light spillage across the site and with a light spill of 1 Lux or less on boundary vegetation and compensatory roosts. Lighting shall be implemented in accordance with approved details.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

18. A detailed and updated site-specific Construction Method Statement (CMS) shall be submitted for approval by the Council's Planning Authority as part of a Reserved Matters application. This CMS shall reflect all the mitigation and avoidance measures to be employed for the protection of the aquatic environment, as outlined in the CMS, date stamped 26th June 2019.

Reason: To protect priority habitats and designated sites downstream and to prevent polluting discharges to the adjacent watercourse impacting on Murlough SAC.

19. Scaled plans shall be submitted as part of the reserved matters application which clearly define a minimum 5m buffer to the existing watercourse along the south eastern boundary, which is protected from all development, including gardens. The details of which shall be submitted to and agreed in writing with the Local Planning Authority. This shall be implemented in accordance with approved details and maintained in perpetuity.

Reason: To protect priority habitat and designated sites downstream.

20. A clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas,

storage of machinery/materials/spoil etc. and the watercourse bordering the south eastern edge of the red line boundary and any open surface water drains.

Reason: To prevent polluting discharges entering the adjacent watercourse and impacting on the site integrity of Murlough SAC.

21. Storm drainage of the site, during construction phase, shall be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on the adjacent watercourse. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges entering the adjacent watercourse and impacting on the site integrity of Murlough SAC.

22. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and agreed in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

23. A landscape management and maintenance plan shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. 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 successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

24. 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 Local Planning Authority gives its written consent to any variation.

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

Case Officer Signature: **O. Rooney** **Date: 12.05.22**

Appointed Officer Signature: **P. Manley** **Date:12.05.22**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1009/O **Date Received:** 26.06.2019

Proposal: Redevelopment of existing residential site

Location: Residential development at 113 South Promenade, Newcastle

ADDENDUM TO CASE OFFICER'S REPORT

The above application was scheduled to be considered at the Council's Planning Committee on 1st June 2022. However following a request by Councillor Devlin, the application was postponed on the basis that an objector was unaware they were able to request public speaking rights.

Since the application was postponed, the Planning Department has also received the following further representations:

1. Online objection from the Mr Nicholas Quinn of 6 The Corragh, Newcastle (submitted 6th June 2022.) This objection notes that the development will significantly inhibit residents from travelling safely along King Street, which is already under pressure from transport.
2. Email from Mr Nicholas Quinn on 7th June 2022 inviting the Council to consider the need for a site visit by planning members in advance of the Committee meeting. The email also notes that Ulsterbus are considering removing the King Street route from their service, as a result of the current issues with buses traveling along King Street, leaving elderly residents at 'The Fold' unable to get the bus to and from their home at King Street.

The material planning issue raised in the above representations primarily relates to traffic concerns along King Street. It is considered that this issue has been adequately considered and dealt within the assessment report and the additional objection does not raise any further issues to consider. Whilst the request for an on site meeting in advance is noted, it is common practice for Committee members to consider a site inspection as part of their consideration at committee, however this is a matter for committee and would not be pre-determined prior to this. In the event that Committee

members feel a site visit is necessary, the application would be deferred for a site inspection to be completed and would re-convene at Committee following completion.

The comments in relation to Ulsterbus and their potential plans to remove their services along King Street are not considered relevant to this assessment.

The previous Officer recommendation of approval remains unchanged.

Case Officer Signature: O. Rooney **Date:** 13.06.22

Appointed Officer Signature: P. Manley **Date:** 13.06.22



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2020/1864/F
Date Received:	09.12.2020
Proposal:	Proposed Barbers Shop / Hairdressers
Location:	Between no. 39 Church Street, Rostrevor & no. 2 Water Street, Rostrevor.

1.0. Site Characteristics & Area Characteristics:

- 1.1.** The site is 'L' shaped and narrow, linear and restrictive in form. The north-western frontage, to Church Street, is 4 metres in width, increasing in width to 7.6 metres to the rear and it measures some 18 metres in length. The site is vacant and has recently been cleared of mature vegetation. The site abuts the common boundaries of No 2 and 4 Water Street to the southwest. The north-eastern boundary is formed by a narrow laneway, which provides an access to a building to the rear. There is an existing restaurant adjacent to the site on the opposite side of the laneway. The application site sits approximately 3m above the adjacent ground level at Water Street.
- 1.2.** The immediate area comprises a mix of small-scale community, residential and commercial uses. It is located within the vicinity of a number of additional listed

buildings, including St Mary's Church (NE), Old School House (N) and St Bronagh's Church (SW).



Image 1: Site viewed from Church Street



Image 2: Orthophotography dated April 2018

1.3. The site is located within the Rostrevor Conservation Area, the Mourne Area of Outstanding Natural Beauty (AONB) and Area of Archaeological Potential (AAP) designations.

2.0. Site History:

P/1987/0495: Site for shop. Granted 07.10.1987.

3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

3.1. The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- Rostrevor Conservation Area Booklet
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

4.0. STATUTORY CONSULTATIONS.

- **DFI Roads:** Initially (28.01.2021) requested car parking/ turning within the site and sight visibility splays of 2.0m x 60m to be outlined in red. In response, the applicant removed any internal vehicular access and provides no parking. The assessment is provided below under Transport and Access Arrangements.
- **NI Water:** No Objections (11.01.2021)
- **Environmental Health:** No Objections (25.01.2021)
- **Historic Environment Division: Archaeology and Built Heritage.** No objections to the proposal and note the impact of the proposal on the Conservation Area is subject to the Council's assessment (07.05.2021).

5.0. OBJECTIONS & REPRESENTATIONS.

- 5.1. Neighbouring properties were notified on 31.12.2020 and 12.05.2022. The application was advertised on 14.01.2021 and 1 representation has been received to date (30/05/2022).

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1. In summary, the application is for the erection of a building to provide a proposed Barbers Shop / Hairdressers in Church Street, Rostrevor.
- 6.2. The Planning Department carefully assessed the proposal in the context of the prevailing planning policy and in consultation with relevant statutory bodies. The main issues to be considered are the principle of the development on the site, the proposed design and detailing and its impact on the historic environment, parking provision, sewerage and amenity impacts.
- 6.3. **Banbridge, Newry and Mourne Area Plan 2015.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan 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 Rostrevor as designated on the Banbridge, Newry and Mourne Area Plan 2015 and is within the Rostrevor Conservation Area, referred to and identified in the Area Plan, an Area of Archaeological Potential and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. 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.

- 6.4. Strategic Planning Policy Statement (SPPS).** 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.

As stated, the application site is within the Rostrevor Conservation Area. **Para 6.29** of the SPPS states that these are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. **Paras 6.18 – 6.20** specifies how development proposals in Conservation area, such as this, should be considered. **Para 6.18** puts an onus firmly on the planning authority, in managing development within a Conservation Area, to enhance the character of a Conservation Area or to preserve its character or appearance where an opportunity to enhance does not arise. There is a general presumption against the grant of planning permission for development in conservation area which conflict with this principle. This should only be relaxed for matters in the public interest. **Para 6.19** of the SPPS requires that development proposals should, amongst other things be sympathetic to the characteristic built form of the area; respect the characteristics of adjoining buildings by way of its scale, form materials and detailing; and conform with the guidance set out in published Conservation area guidance. The Planning Department considers that, for the reasons

outlined below, the application does not comply with the SPPS in that its form and design would not preserve and enhance the character of the Conservation Area.

- 6.5. Rostrevor Conservation Area.** Rostrevor was designated a Conservation Area in February 1979. Amongst other things, the Conservation Area Booklet describes the features of the Conservation Area and provides a developer's brief for the designated area, which includes the application site. It requires new buildings to take account of the character of their neighbours and which, in mass and outline, should continue the rhythm of a street scene. Of particular relevance to this application, the designation booklet highlights that rooflines have tended to reflect street levels resulting in an interesting skyline. It requires that any development within the village core should normally reflect the proportions, fenestration and roof pitch of existing buildings and be, in general, two-storeys high. New dormer windows should be traditional in style.
- 6.6.** The Planning Department advised the Agent, by email on 3 August 2021, of the planning reasons why the proposed development was unsatisfactory. The Agent submitted a Supporting Statement, in response. This has been fully assessed by the Planning Department. It is considered that the Statement and proposed amendments did not address the stated concerns of the Planning Department, as outlined below, and the Planning Department considers that the proposed development does not preserve and enhance the character of the Conservation Area.
- 6.7.** In this context, the proposal is also considered to be not in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should 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.

- 6.08.** The proposed commercial use is considered acceptable in principle, given its location within the settlement boundary on Whiteland and the mixed nature of adjacent uses.



Design and Detailing

- 6.5.** As per Paragraph 6.18 of the SPPS, the guiding principle in dealing with development within a Conservation Area is to afford special regard to the desirability of enhancing the Conservation Area's character or appearance where an opportunity exists, or to preserve its character or an appearance where an opportunity to enhance does not arise.
- 6.6.** Paragraph 6.19 of the SPPS states 'In the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should, amongst other things be: sympathetic to the characteristic built form of the area; respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing; not result in environmental problems such as noise, nuisance or disturbance; protect important views within, into and out of the area; protect trees and other landscape features contributing to the character or appearance of the area; and conform with the guidance set out in any published Conservation Area design guides.
- 6.7.** Paragraph 6.19 is amplified by Policy BH 12 of Planning Policy Statement 6 (PPS 6) 'Planning Archaeology and the Built Heritage' which deals with 'New

Development in a Conservation Area'. It states that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- a) the development preserves or enhances the character and appearance of the area;
- b) the development is in sympathy with the characteristic built form of the area;
- c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- e) important views within, into and out of the area are protected;
- f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- g) the development conforms with the guidance set out in conservation area documents.

6.9. The Rostrevor Conservation Area Guide states the following:

'New buildings will be required to take account of the character of their neighbours. They should, in mass and outline, continue (where applicable) the rhythm of a street scene. The Village Core is comprised of mainly two-storey buildings, mostly terraced, with various groupings of buildings indicating the various stages of its development and growth buildings are generally of simple rectangular form with a pitched roof and gabled ends. Any development within the village core should reflect the proportions, fenestration and roof pitch of existing buildings and be, in general, two storeys high.'

6.4. The proposed building measures 10.47m in length from front to rear elevation, with a width of 5m fronting onto Church Street. The footprint of the building, which has been designed to meet the specific site constraints, will fill the entire width of the site. As a result, the building exhibits a complex form which appears

very much at odds with the prevailing building form within the Conservation Area.

- 6.5.** The prevailing building form within this part of Rostrevor Conservation Area largely comprises conventional 2/3 storey buildings, based on a simple rectangular form with pitched roofs and gable ends and with appropriate design details and materials, fronting onto Church Street, in a largely stepped formation.
- 6.5.** In contrast, the proposed building features a staggered boundary wall on the north-eastern elevation, designed to fit with the shape and form of the site, which increases in size from northwest to the southeast. The main elevation to Church Street presents as a narrow single storey building with a pitched roof. The narrow width, dictated by the site constraints, is out of keeping with adjacent properties. In addition, as outlined, the northern eastern elevation is complex in form, consisting of a half gable width to the front and a staggered rear elevation; its peculiar form dictated by the site constraints. In total, the overall form of the proposed building is totally incongruous in the immediate townscape and street scape and is considered visually unacceptable in any townscape setting. The fact that the application site is located within a designated Conservation Area, emphasises its acceptability in design terms. The proposed design is not considered acceptable for its location. The proportions do not reflect those present within the Conservation Area.
- 6.11.** As a result, the proposal is considered unsympathetic and directly inconsistent with the established built form and therefore contrary to paragraph 6.19 of the SPPS and Policy BH 12 of PPS 6, criteria (a), (b), (c) and (g).
- 6.12.** The site is also within the designated Mourne Area of Outstanding Natural Beauty (AONB). Policy NH6 of Planning Policy Statement 2 (PPS2), 'Natural Heritage', which deals with development with AONBs, sets out the requirements to be met for all new development in these areas. It 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:

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.

6.13. For reasons considered above, the proposal is not considered to respect or conserve the features of importance to the character and appearance of the landscape or the locality, (in this case, the Conservation Area). The layout and design are considered inappropriate for this locality and contrary to criteria a), b) and c) of Policy NH6.

6.14. The agent produced two supporting documents, a Transport Assessment Form and map identifying parking following discussions, on the 18.08.2021 and 13.10.2021. The supporting statements advanced an argument that the proposal satisfied the requirements of paragraph 6.18 of the SPPS and Policy BH12. The 18.08.2021 statement argues that the proposal would preserve or enhance the character and appearance of the area by stating that:

The location of the proposal is on a site that previously had a building sited within its boundaries, which can be seen from the map and photograph provided. The proposal which resembles the building previously on site would clearly enhance the area compared to the overgrown waste area it has become. The site if not developed will detract from the streetscape.

6.15. It is noted by the agent that the building was demolished and removed in 1970 prior to the introduction of modern planning legislation. It is also noted that there

is no established planning history for the original building. the agent also states that the building was not present upon submission of application P/1987/0495. As the building appears to have been removed prior to the introduction of modern planning legislation, there is not established planning history or consent to demolish the original building the Council does not afford any weight to the original building. agent also argue that there was a historical approval under P/1987/0495. The Council does not afford any weight to an expired approval originally approved almost 25 years ago.

6.16. Notwithstanding the Council's objection to the consideration of the building the agent's contention that the proposed building resembles the building previous is factually incorrect. The previous building was two storeys with a finished floor level similar to Water Street with form, scale and proportions sympathetic to the conservation area. This is clearly demonstrated by an historical image available to view at National Museums Northern Ireland's website (the image does not feature in this report as it is subject to copyright © National Museums Northern Ireland).

6.17. The 18.08.2021 statement also argues the proposal is sympathetic with the characteristic built form of the area, including the subject building and adjoining buildings by stating:

The proposed building has been designed to resemble the building that was previously on the site, attached image shows the original building. Rostrevor Conservation Area document state that 'Buildings are generally of rectangular form with pitched roof and gable ends' which is exactly what the proposal has been designed to look like.

6.17. Again, notwithstanding the Council's objection to assign material weight to the previous building the proposed building does not present a rectangular form and the recesses in the northern wall are do not present as the gable of an apex roof. The proposed building does not preserve or enhance the established form

nor does it fit with the requirements of the Conservation Area, for the reasons outlined above.

Impact on Residential Amenity of adjacent Residents

- 6.18.** The proposed site sits approximately 3m above the finished floor level of the No 2 and No 4 Water Street which are residential properties. The proposal will create a large blank uninterrupted wall abutting the rear boundaries of 2 homes dominating and enclosing their amenity space. The rear of these residential properties is the only private amenity space afforded to residents of these homes. The proposal will also attract more people to the site resulting in further overlooking of the site (see image 4 below). Policy PED 9 of Planning Policy Statement 4: Planning and Economic Development in addition to the other policy provisions, will be required to meet all the following criteria. The proposal is considered contrary to Criterion (b) (*it does not harm the amenities of nearby residents*) for the reasons stated above.



Transport and Access Arrangements

- 6.19.** The proposal seeks to utilise existing public parking provision within Rostrevor to satisfy the developments parking requirements. The Parking standards

indicate that the proposal requires 3 in-curtilage parking spaces, however, no spaces are provided. The agent also submitted additional information, in support of the application, and for a relaxation of the car parking requirement.

6.20 While the Planning Department acknowledge the parking, provision is already under significant pressure, it is considered that due to the nature of the proposed use there is not expected present a significant increase demand.

6.21 Policy AMP 7 of PPS 3 deals with car parking and servicing arrangements. It requires that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy states that a reduced level of car parking provision may be acceptable to serve a proposal in certain circumstances including: where it forms part of a package of measures to promote alternative transport modes; if it is in a highly accessible location well served by public transport; where it would benefit from spare capacity in nearby public car parks or adjacent on street car parking, where shared car parking is available; where flexibility would assist in the conservation of the built or natural heritage.

6.22 The Planning Department acknowledges the need to ensure appropriate car parking generally and also acknowledges the demands that are placed on existing on-street provision in Rostrevor, as highlighted by an objector. On balance, however, it is considered that flexibility and a reduced car parking requirement is justified in this instance.

6.23 In the light of the above, it is considered that the application is in general accordance with Policy AMP7 of PPS 3 and Policy QD1(f) of PPS 7 in that, given the particular circumstances of the application and all relevant material

considerations, an adequate and appropriate provision is available for car parking to serve the proposed development.

Environmental

- 6.24.** HED:HM advise that the proposal meets PPS6 and SPPS archaeological policy requirements.

7.0. Recommendation: Refusal

- 7.1. The material considerations have been carefully assessed and the proposed development is considered to constitute over development of a significantly constrained site within an important Conservation area.

Refusal Reasons/ Conditions:

1. The proposal is contrary to Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH12 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that the site is located within Rostrevor Conservation Area and the development would, if permitted, detract from its character as:
 - it would not preserve or enhance the character and appearance of the area;
 - it is not sympathetic with the characteristic built form of the area, including the subject building and adjoining buildings;
 - its form, materials and detailing do not respect the characteristics of adjoining buildings;
 - and it does not conform to the guidance set out in the Rostrevor Conservation Area document.

2. The proposal is contrary to Paragraphs 6.18 and 6.278 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that:
 - the development would, if permitted, be detrimental to the character of the surrounding area by reason of its design and materials which are out of character of the area and its relationship to adjoining buildings;
 - the design is inappropriate to the character of the settlement.

3. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Statement for Northern Ireland (SPPS) and Policy NH6 of the Department's Planning Policy Statement 2 Natural Heritage, in that the site is located within a designated Area

of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the character and appearance of this designated area as:

- The siting and scale of the proposal is unsympathetic to the special character of the AONB in general and of the particular locality;
 - It would not respect or conserve the built features of importance to the character and appearance of this area; and
 - It would not respect local architectural styles and patterns.
4. The Proposal is contrary to Policy PED 9 Planning Policy Statement 4, Planning and Economic Development in that the proposal would harm the amenities of nearby residents.

Case Officer Signature: Eamonn McArdle

Date: 30/05/2022

Authorised Officer Signature:

M Keane

Date: 30-05-22



KILBRONEY ROAD, ROSTREVOR



KILBRONEY ROAD, ROSTREVOR



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0273/F

Date Received: 11.02.2022

Proposal: The application is for a change of use from existing shop (use Class A1) to proposed amusement arcade.

Location: The application site is known as 54 Market Street, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is a single storey building that has a shop front to the front façade and is a terrace building. The walls are plastered walls that are painted and there is a slate roof to the front section. The building is a long narrow building with an access also to the rear of the premises out into a shared yard area.

The site is within the settlement development limits of Downpatrick as defined in the Ards and Down Area Plan 2015 and the site is also within Downpatrick's Primary Retail core and within the defined Town Centre. The site is also within the Strangford and Lecale Area of Outstanding Natural Beauty and within an area of archaeological potential and an area liable to flooding. There are also listed buildings within the town centre, including the former bank building on the corner of Market Street and St Patrick's Avenue.

Site History:

R/1982/0516 – 52 Market Street, Downpatrick – change of use from shop to café extension – granted – 06.10.1982

Planning Policies & Material Considerations:

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Development Control Advice Note 1 Amusement Centres.

Consultations:

Consultation issued to Environmental Health in relation to the application and they have responded with no objections but advise that should the proposal proceed separate licenses will be required from the Council.

While other constraints have been noted on the site given the nature of the application it is not considered that any further consultations are required.

Objections & Representations

In line with statutory requirements the application was advertised in the local press on 02.03.2022 which expired on 16.03.2022. Neighbour notification issued on 18.03.2022 which expired on 01.04.2022. to date 6 representations have been received including 1 letter of support from the applicant. A summary of the content of the objections is summarised below.

- The change of use away from a retail unit to an amusement arcade conflicts with the strategic priorities of the Councils Regeneration and Economic Development Strategy 2020-2025, as the vision of this document is to *promote the revitalisation of our city, towns, villages and rural communities*. Objectors believe that to allow the change of use to occur it would conflict with adjacent land uses.
- Objectors raise concerns that the proposed use, if implemented, could potentially deter future development within the town and would have an impact on footfall.
- One objector believes that the proposal would be against the policy requirements of PPS 6 given the proximity to listed buildings.
- Neighbouring businesses have also objected to the proposed use and raise issues such as late-night opening and safety of staff and the likely impact on the shared yard to the rear of the site. One objector also notes the clientele that such places attract and

does not believe this will benefit the town in any way and don't believe this would be an appropriate neighbouring business.

- One objector claims there are inaccuracies with the P1 form and drawings but has not elaborated on this comment.

Consideration and Assessment:

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

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

The Strategic Planning Policy Statement states the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the Regional Development Strategy. Any development needs to be appropriate and needs to ensure the vibrancy of town centres is retained.

In terms of the reference to the SPPS, the SPPS does allow for leisure, entertainment and businesses within the town centre and this point is not disputed however the SPPS clearly states within point 6.269 that planning should encourage development of an appropriate scale in order to enhance the attractiveness of the town centre.

The Ards and Down Area Plan 2015 and the SPPS are given consideration in assessing this proposal noting the cancellation of PPS 5 with the introduction of the SPPS.

In relation to the Ards and Down Area Plan 2015 the site is within the town centre of Downpatrick and also noted as being within the primary retail core (PRC). The area plan notes that the purpose in identifying the PRC is to allow control to be exercised over development inside that area to ensure the continuance of a compact and attractive shopping environment offering both choice and convenience. The Area Plan also notes that the main focus of retail is towards the lower end of Market Street, where the site in question is located. The plan also notes that a proliferation of office uses at street level within shopping frontages can displace significant amounts of retail floorspace, reduce shopper activity, and affect the commercial viability of retailing.

The previous use of the building was that of a hardware store, this use ceased late 2021. The use as a hardware store fell under class A1: Shops in The Planning (Use Classes Order) 2015. The proposed use as an amusement arcade is Sui Generis or no specified class.

Plans submitted show that there is a small front office proposed to the front of the building facing out onto Market Street offering approx. 8sqm floor space, a small lobby would allow access to the remainder of the unit with approx. 86m devoted to the amusement arcade with

approx 28 Slot Machines (AWP Machines). These machines will largely be located close to both walls with toilets and an access to the rear of the building. The front of the shop will remain the same in appearance as the current building front with the proposed premises having full length glass window to the front. Any signage would be subject to a separate advertisement consent.

Within the existing retail core there are a mix of uses, whilst the predominant use is retail there are also retail services and office space at ground floor level. There is a good level of footfall presently through this section of the town. It is also noted that the site is in close proximity to a square where public events are held throughout the year.

A Retail and Commercial Capacity Study undertaken as part of the Area Plan Review found that there are 201 units in the centre, a reduction of seven units since the previous Study was undertaken in 2019. The composition of the centre shares similarities to the UK national averages.

Convenience shopping is slightly lower than the average at 8.0% compared to 9.2% and remains comparable to the previous survey. Comparison shopping is slightly above the average at 27.9% compared with 27.1%. The offer available within the town centre includes a mix of national multiples (New Look, Argos and Halfords) as well as independent retailers.

There is a lower proportion of leisure services (20.9% compared to 24.6%) which remains consistent since 2019. There is also a lower proportion of retail services (13.4% compared to 15.6%), although there has been a minor increase since the previous health check. Financial and business services exceed the average at 10.9% compared to 9.1%, with several banks located in the centre, although the Bank of Ireland has become vacant since the previous study and is now the subject of a change of use application to an amusement arcade/adult gaming centre.

Initial health checks undertaken in 2019 and then updated in March 2022 show that whilst there have been some changes in terms of the composition of the centre, Downpatrick is performing broadly in line with UK national averages and functions well as a centre, catering for the majority of retail and service needs expected to be found in a settlement of this size.

The level of vacant units in the centre is 19.4% and exceeds the UK national average of 14.2%. The overall level of vacancy has increased by one unit since the previous health check was undertaken. Vacancies are spread throughout Downpatrick, although concentrations of vacant units can be found in Market Lane and Scotch Street.

The Retail and Commercial Capacity Study undertaken by Nexus as part of the Councils Area Plan Preparation has recommended that the Primary Retail Core be removed from Downpatrick town centre. The retail consultants considered that there was some danger in being closed to the idea of non-retail uses at ground floor level within the heart of major town centres.

DCAN 1 Amusement Centres

This is an advice and guidance document and not policy.

The factors which call for consideration on a planning application for an amusement centre are its effects on the amenity and character of its surroundings, and its effects on road safety and traffic flow.

The latter merit special consideration where the premises front on to a busy traffic route or are near an awkward road junction or are so sited that many visitors arriving on foot will have to cross a busy road or use an inadequate footway. The highways effects will depend to some extent on the activities to be carried on. For example, large concentrations of people at the beginning and end of bingo sessions held at an amusement centre would have a different effect from the same number of people arriving and departing over a longer period.

The applicant has noted that there would not be any classes for example bingo operating from the building. It is not anticipated that the proposal will result in a detrimental impact on traffic flow or road safety.

The effects on amenity and the character of the surroundings are more diverse. They will usually depend on the location of the proposed amusement centre in relation to other development, its appearance, the kind of amusement to be provided, the noise likely to be produced and the hours of operation.

As regards the location, amusement centres are not normally acceptable near residential property nor are they good neighbours for schools, churches, hospitals, or hotels. They are out of place in conservation areas or other places of special architectural or historic interest, except perhaps where these cover a really wide area. In areas where one amusement centre may not be out of place, it would be permissible to take into account the effect of larger numbers on the character of a neighbourhood.

The proposed development is not located close to residential property, EHO have commented on the proposal and have no objections in respect of noise or amenity. It is noted that anti-social behaviour generally associated with such places is not a matter for planning but for the PSNI and licensing and ultimately safe and sensible gambling is a matter for the business operator.

The proposed development is not located within the Downpatrick Conservation Area, it is however located within close proximity to the Listed Bank on the corner of Market Street and St Patricks Ave. Given the nature of the proposal, with no physical changes being proposed, it is not considered that there will be a negative impact on the listed building or its setting as a result of the change of use element of the proposal.

It is noted that there is a currently undetermined application with the Council for a change of use of a former redundant bank building (A2) to an adult gaming centre at 80-82 Market Street within the PRC. There is an existing amusement centre called Carousel Casino Slots to the rear of Sports Direct on St Patricks Ave outside the PRC but within the Town Centre. The Council will continue to deal with applications for non-retail in the town centre on a case by case basis.

In towns where there is no provision for areas for amusement or entertainment, amusement centres are usually best sited in districts of mixed commercial development. In areas where shopping is the predominant use, the likely effect of the development on the character of the shopping centre is relevant. An important consideration will be whether an amusement centre would break up an otherwise continuous shopping frontage; and although this can be mitigated

by attention to the design of the facade and entrances, it may nevertheless be a serious objection in some shopping streets.

The premises previously operated as a Hardware shop, there is a diversity of frontages and mixed uses along this stretch of Market Street including offices within the Primary Retail Core. It is noted that the proposed change of use will involve a front office element of 8sqm to the street frontage. It is acknowledged that the proposed change of use will result in a loss of GF retail at this location.

It is not considered that this change of use will have a disruptive effect on the shopping frontage, as previously stated there are a range of retail uses, services and office premises located within the retail core.

Objections have been taken into consideration however it is important to ensure that planning control is used to deal with planning issues and not with other things. Planning is about land use matters, public order must be maintained, but gambling and public order are not in themselves planning matters.

Having account to Planning policy and guidance, having considered the objections received and have regard to the findings of the Commercial Study commissioned by the Council for input to the Area Plan preparation, whilst it is acknowledged that the proposal involves the loss of a GF retail unit, the current health of the town centre is considered to be able to cope with this loss without detriment to the vibrancy, vitality and viability of the town centre.

It is not considered that the proposed change of Use will result in a loss of retail such that the vitality and viability of Downpatrick Town Centre is detrimentally affected and as such a recommendation of approval is made.

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: **7001 and 7002**.

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

3. The premises must not operate outside the hours of 09:00 – 00:00 Monday to Saturday and 11:30 – 00:00 Sunday.

Reason: In the interests of residential amenity.

Informative

1. The applicant will need to consult with the Licensing Section of the Council in regard to obtaining an Amusement Permit.

Case Officer: Fionnuala Murray

Appointed Officer: A.McAlarney

Date: 05.08 2022



Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

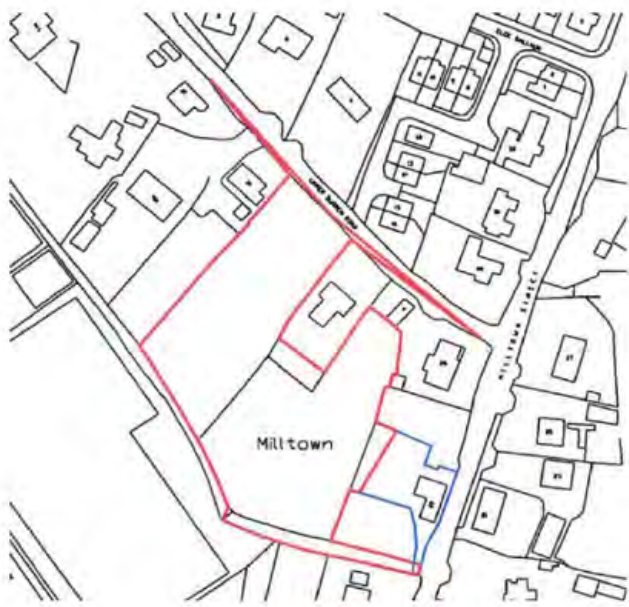
Application Reference: LA07/2019/1748/F

Date Received: 15/11/2019

Proposal: Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works

(Note: When initially submitted in 2019, this application was for a total of 15 dwellings but has since been amended/reduced to a total of 12).

Location: Lands on Upper Burren Road between No's. 6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road, Burren



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red are irregular in shape located between no. 06 and no. 10 Upper Burren Road and running to the rear of 22-26

Milltown Street. The site at present is a piece of unmaintained land, consisting of long grass and portions of scrub. The levels within the site fall from north east to south west. There is no vehicular access to the site at present, with access served via a field gate. A belt of trees run along the entire south western boundary, with a mature hedgerow running along the north eastern boundary. There are limited views into and through the site from the public road, given that the site is located to the rear of a number of properties.

Characteristics of area: The subject site is located within the settlement limits of Warrenpoint/Burren on un-zoned white lands. The southern portion of the site abuts Milltown Industrial Estate which is land zoned as Existing Industry. The immediate area is predominately characterised by detached dwellings which front onto Upper Burren Road and Milltown Street. Case officers note semi-detached dwellings located opposite the proposed entrance.

Site History:

P/2013/0141/O - Adjacent to and south east of 10 Upper Burren Road, Burren, Warrenpoint. Site for dwelling and garage. Permission granted.

P/1995/0564 - Adjacent To No.10 Upper Burren Road Milltown Burren Warrenpoint. Site for dwelling. Application withdrawn.

Applications within close proximity to the site

LA07/2021/1549/F- Application under section 54 for amendment of condition 03C of planning approval LA07/2018/0244/F as follows: Manufacturing operating hours extended from 7.00 - 23.00 hours Monday to Friday to 24 Hour production, 7 days per week. Received Sept 2021. Remains under consideration. Currently at consultee stage.

LA07/2020/1708/F - Section 54 for the amendment of Condition 03C of Planning Approval LA07/2018/0244/F as follows; Manufacturing operating hours extended from 7.00-23.00 Monday to Friday to 24 Hour production, 7 days a week. Unit 11 Milltown Industrial Estate, Warrenpoint. Permission refused.

LA07/2020/0189/F - To amend condition No 03c of planning approval LA07/2018/0244/F which reads No machinery shall be operated, no process shall be carried out and no deliveries taken at, or dispatched from the site outside the following times: c) Manufacturing: 0700-2300 hours Monday to Friday to read Manufacturing operating hours to be 24 hours, 7 days a week. Unit 11, Milltown Industrial Estate, Warrenpoint, BT34 3FN. Permission refused.

LA07/2018/0244/F - Change of use of part of existing warehouse to 1. Manufacturing, 2. Showroom with associated sales office. Alterations to existing building including new first floor sales office, new shop front, new goods access and

new access to estate Road. Demolition of existing testing laboratory and erection of modular offices to provide admin/welfare to manufacturing use. Unit 11, Milltown Industrial Estate, Warrenpoint, BT34 3FN. Permission granted.

P/2012/0820/F - Erection of a Dwelling. Adjacent to No. 4 Upper Burren Road Warrenpoint. Permission granted.

Planning Policies & Material Considerations:

The NI Regional Development Strategy 2035
 SPPS – Strategic Planning Policy Statement for Northern Ireland.
 Banbridge/Newry and Mourne Area Plan 2015
 PPS 2 – Natural Heritage
 PPS 3 - Access, Movement and Parking
 PPS4- Economic Development
 PPS 7 – Quality Residential Environments
 PPS8 – Open Space, Sport and Outdoor Recreation
 Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
 PPS 12 – Housing in Settlements
 PPS 15 – Planning and Flood Risk

Supplementary guidance
 Creating Places
 Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas
 DCAN15 – Vehicular Access Standards
 Parking Standards
 DCAN8 – Housing in Existing Urban Areas
 A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

Consultations:

NI Water – Available capacity

DFI Rivers – No objection subject to recommended planning condition and informatives (Noted a Drainage Assessment was submitted and Schedule 6 Consent obtained).

Environmental Health (NM&D) – No objection in principle. Having considered the application stating that applicant should be aware that there is an existing industrial estate to the rear of the site and future occupants of the dwellings may be affected by noise from the site.

SES – No objections (Informal consultation)

DFI Roads - No objections subject to access being constructed in accordance with approved PSD's and planning conditions.

NIEA – No objections in principle (Noted a Landscape and lighting plan, Bio Diversity Report, and Preliminary Ecological Appraisal were submitted).

Since receipt of the application in 2019 consultation and re-consultation has been undertaken with several bodies including those outlined above, whereby it is noted all consultees now offer no objections to the proposals in principle.

Publication, Objections & Representations:

Having account current procedure and practice an initial round of neighbour notification as undertaken in Jan 2020 (with additional neighbour being notified in March 2020).

Following receipt of amended plans/additional information, further rounds of NN were also undertaken.

The application was also advertised in the local press in Jan 2019, and again in Oct and Dec 2020 following receipt of an amended description. (Reducing the number of units).

It is considered the proposals have been correctly Advertised and Neighbours Notified, whereby the proposal description and site address provided are sufficiently detailed.

To date (06-10-21) approx 100 representations have been logged in respect of this application, with some 76 logged as objections and 22 logged in support. The address points of those who have made representation have been noted.

The planning concerns raised are summarised as follows:

- Size and scale of the proposal, over-development,
- Directly overlooking
- Congestion and traffic pressures including parking
- Siting and heights of buildings
- Dwelling types
- Road safety
- Conflict with adjoining land uses (overlooking, overshadowing, dominance, smoke from chimneys)
- Boundary treatments
- Impact on Protected species
- Security concerns
- Lack of green space
- Impact on a Right of Way

The representations in support of the proposal include the following:-

- Disagree with the road dangers raised in the objections,
- The number of houses does not determine how people drive
- Note a footpath is provided along the site frontage. Other landowners along this stretch of road may wish to offer lands to DFI to provide footpaths further along the road
- Support the housing building for the area.

The comments made are considered further below.

See file for full content of reps received as the above is a summary of main issues raised.

Consideration and Assessment:

STRATEGIC POLICY

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. Therefore the principle of developing this site within the urban footprint is in line with the regional housing policy of the RDS.

The SPSS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment.

The design, density and layout of the scheme has been amended during the course of the application in response to the concerns of the planning authority. These matters will be assessed further below.

The SPSS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal complies with these as follows:

- *increased housing density without town cramming* – the proposal will increase the housing density in this area without erosion of local character, environmental quality or amenity. The design draws on some of the characteristics of adjacent development. For further consideration of these issues, see 'urban design' below.
- *sustainable forms of development* – the use of sites like this within the urban footprint is more sustainable than one-off housing developments outside development limits and is therefore to be encouraged. There are local facilities and services available nearby.

- *good design* – The design of the scheme successfully respects the context of the area and follows local traditions of form, materials and detailing, while taking advantage of the characteristics of the site.
- *balanced communities* – as this proposal is for a small development, there is limited scope to provide different unit sizes, however several house types are proposed.

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.

As stated above the lands comprising the application site are located within the settlement limits of Warrenpoint/Burren on un-zoned white lands, as identified in the Area Plan.

With regards to the principle of development, as stated above, the site is regarded as white-land. The site is vacant at present, whereby the area in general along the Upper Burren Rd and Milltown St is largely residential in character. The adjoining land use and zoning to the rear is also noted, however having account the zoning of the site, and character of the area, it is considered there can be no objection to the principle of residential use on this site.

URBAN DESIGN

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, as per the requirements of QD1 of PPS7.

As outlined previously, the proposal was initially for a total of 15 units, however this has since been reduced and is now for a total of 12 units (2 detached and 10 semi-detached).

This report is based on the latest scheme for 12 units, which effectively comprises 4 house types.

Houses 1-2: 2 storey semi-detached adjacent to the entrance to the development and closest to the Upper Burren Rd.

Houses 3-11: split level units, 2 storey to the front and 3 storey to the rear, which will back towards the industrial site. Plot 3 is detached, while Plots 4-11 are semi-detached

House 12: 2 storey detached dwelling, sited adjacent to No.24 and 26 Milltown St.

The finishes for all units include black roof tiles, black RWGs, cream colour pvc fascia, windows and doors, and cream coloured render walls with grey slate stone cladding.

The site will access directly onto the Upper Burren Rd adjacent to no.10, with all units using this same individual entrance.

Policy QD1 of PPS 7, requires all proposals for residential development to conform to Criteria (a) – (i).

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

In assessment of this criterion it is considered the development does respect the surrounding context in terms of its layout, house type, size, finishes, plot size and density.

It is noted this stretch of Upper Burren Rd and Milltown St now includes a mix of detached and semi-detached dwellings of differing sizes and designs, both single and 2 storey in nature.

While the adjoining properties to either side of the entrance are detached, there are also semi-detached dwellings immediately adjacent, including the more recently constructed developments of Clock Ballaun and Milltown Close, which now also form part of the character of this area.

As stated above it is considered the development proposed including the layout, scale, plot sizes, house types and finishes respect the surrounding context and is appropriate for the area, for the reasons outlined. The development is set back from the road, with a soft area of amenity space at the entrance, however the development still provides a frontage to the road, with the entrance unit being double fronted and which will also respect the character and scale along the street-scene.

Each unit includes incurtilage parking to the side with soft landscaping to the front, thereby creating a quality environment.

Levels have been provided which indicate those proposed will respect those existing including those of the adjoining properties.

The boundaries of units will primarily comprise aluminium estate type railings along the front with boarded fencing hidden to the rear with planting. A number of existing

trees are also to be retained with root protection zones included in the landscaping plan. A Landscaping plan has also been submitted.

The size of the development does not trigger any requirement for communal open space provision, however 2 pockets of communal open space are provided either side of the entrance.

While the site is located within the settlement limit, the Planning Authority noted the adjoining lands to the west are zoned as an existing area of economic development, with a current application under consideration to increase operating times for the adjoining site. Consultation was undertaken with Environmental Health (EH) due to the nature of the proposal and constraints of the site and wider area, whereby EH did not object to the proposal and did not request any further information, such as acoustic measures or a Noise Assessment.

The Planning Dept had requested a Noise Assessment from the agent during the processing of the case, however the agent rebutted this request, setting out the comments from EH.

Having account the comments and position from EH the Planning Dept considered this request was not justifiable.

It is noted the existing planting along the boundary with the industrial lands is to be retained, with a new hedgerow also provided along this boundary boundary.

- (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.

There are no known features which impact the site.

- (c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development

Each unit will have its own internal area of private amenity space, with small soft areas to the front and larger private garden areas to the rear, which are considered sufficient for each of these 3 and 4 bedroom units.

Given the scale of the development, it is considered that there is no requirement for this proposal to comply with (d) and (e).

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

Each unit will have its own in-curtilage parking with space for at least 2 cars off-street, and also space for additional parking on-street if required. It is noted TNI are now content with the proposals.

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

The design and finishes of each unit as outlined above are considered to be in keeping and acceptable for this setting.

- (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

Since the original submission in 2019, the Planning authority has sought and received revisions and reductions to the layout to ensure a quality layout and to prevent any unacceptable impact resulting on the amenity of any adjoining property and also to ensure there are no inter-relationship issues between the units proposed.

It is considered the siting of each unit, together with the levels and layout including window openings and orientation, and separation distances to the various boundaries will ensure no unacceptable impact will result on the amenity of any adjoining property, or indeed between the units proposed, in terms of overlooking, overshadowing, loss of light or dominant impact, in this urban context. Also it is considered the entrance road which is centrally located is sufficiently removed from the boundaries with adjoining properties, and together with boundary proposals, will not result in any unacceptable loss of amenity.

- (i) The development is designed to deter crime and promote personal safety

The proposed layout is spacious and open and does not include any elements that would give rise to concern. The area of public open space to the front is open and visible and can be monitored. As such it is considered the proposal does not offend this criteria.

The representations received included that there is a Right of Way (ROW) affected by the site. In respect of this, the agent advised they queried this with the Councils Rights of Way Officer, who confirmed the said path is not registered as a ROW, however that the proposals do not impact/obstruct this.

In summary it is considered the proposal does not offend the requirements of PPS7 or the subsequent associated Addendum, whereby the scale and form of the development proposed is respective of the character of the area.

In addition to PPS7, proposals for residential development must also comply with the requirements of the Addendum to PPS7 (Safeguarding the Character of Established Residential Areas).

Policy LC 1 of the Addendum to PPS 7

Given the mixed character of the area surrounding the site and the existing use of this site, the proposal must accord with the requirements of this policy.

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

It is considered the density including plot sizes and pattern of development respects the character of the area, for the reason outlined above, and does not offend this policy.

PPS 2 - Natural Heritage

The agent submitted a Biodiversity Checklist and associated Ecological statement, landscape layout, Lighting Report and Lighting Plan, and a further Addendum to the Preliminary Ecological Appraisal. NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, is content with the proposal, subject to conditions and informatives.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Shared Environmental Services have considered the site, in a response dated 09/01/2021 concluded that "the proposal would not have any likely significant effect on the features of any European Site."

PPS 3 – Access, Movement and Parking

DFI Roads has been consulted with regards to the Access, Movement and Parking, on more than one occasion throughout the processing of this application. The Department has responded to the most recent scheme with no objections to the proposal subject to Conditions. As stated above, it is considered parking provision for each unit is sufficient. The site indicates these 12 units will use the same entrance road and shared access on to the Upper Burren Rd. The development includes a footpath within the site and also along the site frontage (2m wide), with internal access road width of 5.5m, and 8m radius at the site entrance from the Upper Burren Rd, with splays of 2.4m by 45m and 2.4m by 40m in either direction, which is deemed acceptable by DFI Roads in this instance.

The ownership of the lands outlined in red line was raised with the agent during the processing of the case whereby an amended P1 form and Certificate was received.

Recommendation:

While it is noted this application has attracted considerable interest both in opposition and support, it is considered the current proposals do not offend any of the applicable policy provisions and there are no grounds to sustain a refusal.

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 outlined in the SPPS for the reasons outlined within this report.

On this basis the application is recommended for Approval subject to conditions.

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 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 Drawings hereby approved

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.

3. The visibility splays at the junction of the proposed access road with the public road shall be provided in accordance with the plans hereby approved, prior to the commencement of any other works or other development.

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

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

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

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 space per dwelling.

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 Department for Infrastructure 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 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.

8. Existing mature trees and hedgerow along the site boundaries shall be retained, as shown on Drawing P04D.

Reason: To protect the biodiversity value of the site, including protected species.

9. Prior to works commencing on site, all existing trees as shown on Drawing Number P04D and Drawing Number P011, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

10. All works to be carried out within the Root Protection Area (RPA) as shown on Drawing No. P011 shall be carried out under the supervision of an experienced and suitably qualified arboriculturist. The arboriculturist shall write a report detailing the works carried out and the implementation of mitigation measures and this shall be submitted to the Planning Authority within 6 weeks of the completion of works within the RPA.

Reason: To protect biodiversity within the site, including protected species.

11. ALL landscape and planting proposals shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The planting plan shall be carried out during the first available planting season after construction works have been completed, in accordance with Drawing Number P04D. The proposed boundary planting to the rear of all units shall be a minimum height of 1m at the time of planting, and shall be allowed to grow on to a minimum height of 2m.

Reason: In the interests of visual and residential amenity.

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

Reason: To ensure the provision of landscaping to the site.

13. The boundary fencing associated with each unit as indicated on Drawing No. shall be completed prior to the occupation of the unit it serves, which shall be permanently retained thereafter.

Reason: In the interests of visual and residential amenity.

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

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

Informatives

Case Officer Signature: S Maguire Date: 06-10-21
Appointed Officer Signature: M Keane Date: 06-10-21



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Addendum Report

Application Reference: LA07/2019/1748/F

Note: This Addendum report is to supplement the original case officer report dated 6th Oct 2021.

Background

This is a Full application for a housing development comprising 12 dwellings, on lands off Upper Burren Rd, Warrenpoint.

The site is irregular in shape and is accessed between no. 6 and 10 Upper Burren Rd, and extends to adjoin Milltown Industrial Estate at the rear.

The site is located within the settlement limits of Warrenpoint/Burren as identified in the Area Plan on lands regarded as white-land.

The application was previously recommended for Approval in Oct 2021, and was included on the Schedule to be presented to Planning Committee for Oct 2021's meeting. However it was removed from this list for further consideration.

This included further consideration of the following matters:

1. relationship and potential impact from the adjoining Industrial lands,
2. investigate the line of the visibility splays and ownership of same, and
3. to seek confirmation DFI Roads had considered all representations received.

1. The Planning Dept queried the comments provided by Environmental Health in Jan 2020 from this Dept.
Following reconsideration of its position, Environmental Health requested the submission of a Noise Impact Assessment.

Following receipt of same, and further re-consultation, Environmental Health replied (Nov 2011) with no objections in principle subject to the following conditions:-

- The noise mitigation measures, namely double glazing and acoustic ventilation to all properties as identified in section 4, of the noise impact assessment produced by Irwin Carr Consulting, referenced Rp001N 2021282 (Upper Milltown Rd Burren) and dated 11 November 2021 must be implemented in full.
- An acoustic barrier at least 1.8m high shall be included along the boundary of the development, to the rear of site No 3 to 11, prior to the occupation of any unit hereby approved, shall be permanently retained thereafter. The barrier shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self weight of 25 Kg/m².
- Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

A further 3rd party representation was received regarding these comments, which prompted a further consultation with Environmental Health.

Environmental Health in its most recent response (March 2022) have reaffirmed their previous position and offer no objections subject to conditions.

On this basis it considered there are no grounds to sustain a refusal on Environmental Health grounds.

2. Representations on behalf of third parties have raised the issue that the incorrect certificate had been completed on the P1 form, and that notice had not been correctly served on the owners of neighbouring lands who it is alleged the site visibility splays crosses.

This matter was revisited and raised with the agent, who subsequently provided an amended Certificate on the P1 form serving notice on No.10 and 10a Upper Burren Rd, but also provided land folio maps showing the applicant holds an easement over the area of which the line of the splays cross the frontage of no.6.

While it is noted land ownership issues are a private legal matter, beyond the remit of planning, as a challenge was received during the processing of this application, this was duly investigated by the Planning Dept.

On the basis of the above, it is considered the correct certificate has been completed, notice served, and no further action is required in this respect.

3. A further consultation was issued to DFI Roads (May 2022) requesting confirmation that all representations received to date had been fully considered as part of their assessment and response.

In its final response DFI Roads have advised the following:-

Dfi Roads have considered all representations and our previous comments dated 29 April 2021 are still applicable.

Dfi Roads also made specific comment on the speed surveys provided by both parties (agent and third party), advising they have considered the speed surveys from both parties and have carried out their own follow on speed survey on site as part of the consultation assessment and are content that the proposal achieves the required 2.4m x 70m on the near side as demonstrated on the drawing of 2.4m by 40m to the tangent point and 2.4m by 45m (bracketed figure) on the off side as vehicles coming from this direction are slowing down approaching the upper Burren road/Milltown street junction.

A footway is being provided along the site frontage like other developments in the area to which a footway link may be established through possible future developments within the area.

The 2.4m x distance is considered satisfactory by the department as speeds on the priority road are below 37mph and danger is unlikely to be caused as per DCAN 15.

On this basis the Planning Dept is content all representations received have been considered by DFI (and the Planning Dept) in reaching its position.

As advised above this application was held for further consideration on a number of aspects.

This reconsideration is now completed, whereby the proposals are considered acceptable, subject to conditions.

The application is hereby recommended for Approval subject to conditions.

(These conditions include those on the original report and those outlined above).

Recommendation: Approval

Case Officer: M Keane 18-05-22

Authorised Officer: Pat Rooney 18.05.2022



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Second Addendum Report (Aug 2022)

Application Reference: LA07/2019/1748/F

Note: This second Addendum report is to supplement the original case officer report dated 6th Oct 2021 and previous Addendum report dated 18th May 2022.

Consideration

This is a Full application for a housing development comprising 12 dwellings, on lands off Upper Burren Rd, Warrenpoint.

The application was previously recommended for Approval in Oct 2021 and May 2022. It had been included on the Schedule to be presented to Planning Committee for Oct 2021's meeting and again more recently for June 2022's meeting.

However, it was subsequently removed from this latest list and meeting for further consideration following receipt of further representations and the issues raised therein. (These reps include emails received from Matrix Planning Consultancy 25th and 30th May and 12th July)

This included further consideration of the following matters:

1. Easement/ownership of lands within the sight visibility splays,
 2. Environmental Health related matters,
 3. Impact on amenity.
-
1. In response to the information supplied by the third party, the agent provided a further amended Certificate on 10th June 2022 with Certificate C again signed, with notice to be served on the applicant (Mr Rooney), DFI Roads, No.10, 10a, 6 and 4 Upper Burren Road.

A further round of NN was then undertaken on 13th June 2022, advising of this amended certificate, to inform interested parties and afford an opportunity to comment.

While it is noted land ownership issues are a private legal matter, beyond the remit of planning, as a challenge was received during the processing of this application, this has been duly investigated by the Planning Authority.

No further representations have been received to date in respect of this particular issue. It is considered the correct notice has now been served. The history of the adjoining properties to either side of the site, including the associated conditions therein have also been noted.

2. A further consultation was issued to Env Health Dept in June 2022, who duly replied on 7th July. A further email was also issued to Env Health advising of the latest email representation of 12th July, whereby an email response was duly provided on 22nd July.

Consultation and comment has been sought from Env Health Dept on at least 6 occasions since this application was first submitted.

This included further re-consultation in Nov 2021 following receipt of a Noise Impact Assessment, and more recently re-consultation in response to further correspondence and issues being raised/rebuttal being received by interested 3rd parties.

Env Health Dept have provided detailed comment and offer no objections in principle subject to conditions. The Planning Dept are content to attach these conditions to this application.

Env Health have also provided further comment on the proposal to extend the operating times of the adjacent factory and have provided conditions for that separate application also in the event permission is granted. Essentially, Env Health are content both applications/uses can co-exist with the inclusion of conditions.

Having account the detailed comment from Env Health Dept who provided expertise in this respective field, it is considered the issues raised have been fully considered, with detailed comment provided, offering no objections.

On this basis, it is considered there are no grounds to sustain a refusal on this basis.

Env Health based Conditions to include:-

- The noise mitigation measures, namely double glazing and acoustic ventilation to all properties as identified in section 4, of the noise impact assessment produced by Irwin Carr Consulting, referenced Rp001N 2021282 (Upper Milltown Rd Burren) and dated 11 November 2021 must be implemented in full.

- An acoustic barrier at least 1.8m high shall be included along the boundary of the development, to the rear of site No 3 to 11, prior to the occupation of any unit hereby approved, shall be permanently retained thereafter. The barrier shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self weight of 25 Kg/m².
 - Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.
3. The issues raised in respect of residential amenity have been fully considered previously and are covered in the initial officers report. It is considered no unacceptable impact will result from the proposed development in terms of residential amenity on any adjoining property, nor will any unacceptable impact will result on any proposed unit from any existing property, in what is an existing urban context. It is considered the siting of units, their layout, existing house types, the respective relationships and spacing/separation distances, and boundary proposals will ensure no unacceptable impact will result in terms of overlooking, overshadowing, dominance, or loss of amenity, and there are no grounds to sustain a refusal on these grounds. The respective levels have also been noted.

As advised above this application was held for further consideration on a number of aspects.

This reconsideration is now completed, whereby the proposals are considered acceptable, subject to conditions.

The application is hereby recommended for Approval subject to conditions.

(These conditions include those on the original report and those outlined above).

Recommendation: Approval

Case Officer: M Keane 10-08-22

Authorised Officer: A McKay 10.08.2022

Ref - LA07/2019/1748/F - Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works - Upper Burren Road

It is noted that amended P2 Certificates were issued in respect of Nos.10, 10A,6 & 4 Upper Burren Road, as the applicant now accepts that the visibility splays are not under their control and run across 3rd party lands, as per the below map coloured green.



Overlooking and loss of privacy for future occupants

The relevant planning policies for residential developments are contained within the SPPS and Planning Policy Statement 7: Quality Residential Environments.

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, among other things, overlooking.

Site 12 is some (8m) below the finished floor level of existing properties and directly overlooked by Nos.22-26 Milltown Road and Nos.6 Upper Burren Road.

Incompatibility with existing commercial operations

Paragraph 6.90 of the SPPS advocates a precautionary principle in respect of **existing economic development**. In this case the existing Milltown Industrial Estate is zoned economic development and adjoins the application site.

We are in a plan led system and the existing zoned economic development land, would take precedent over unzoned "whiteland", where proposed housing would result in incompatible development immediately adjacent to zoned and established industry.

The **Newcel factory is seeking to be operational both day and night with forklift trucks and HGVS** immediately adjacent to the proposed houses. If the Council, knowingly approving both applications it is in effect creating a noise nuisance, whilst also constraining a local businesses from expanding their business operations further in order to avoid adverse impacts on the proposed residential development.

Where it is demonstrated that a proposal for **new** or expanded development would **PREJUDICE the future operation of an established or approved economic development use**, then it will normally be appropriate to refuse the application and **Policy PED 8 of PPS4 cannot be met**.

Acoustic information has been provided by Layde Consulting to demonstrate that there are significant issues in the way in which the noise impacts have been considered.

The EHD response accepts there is the potential for noise and odour/dust, yet they have not sought mechanical ventilation as a means of mitigation. The proposed conditions and informative are unlawful and unenforceable and do not address the impact on outdoor amenity space, which adjoins the industrial estate.

It is incumbent on the planning authority to explore all reasonable means of mitigation with the developer and the established enterprise **prior to determining the application**.

The case of Gillingham Borough Council v Medway, [1992] 3 All ER 923 still bears key authority and it was held that: **"where planning consent is given for a development or change of use, the question of nuisance will thereafter fall to be decided by reference to a neighbourhood with that development or use and not as it was previously"**.

There are several legal authorities on this matter, such as;

- The UK Supreme Court case of Lawrence and another v Fen Tigers Ltd and others [2014] UKSC 14 states at para [90] that:

"it seems wrong in principle that, through the grant of a planning permission, a planning authority should be **able to deprive a property owner of a right to object to what would otherwise be a nuisance**, without providing her with compensation, when there is no provision in the planning legislation which suggests such a possibility."

- Wheeler and another v J J Saunders Ltd and others [1995] 2 All ER 697 the Court of Appeal stated:

"if a planning authority were with notice to **grant a planning permission, the inevitable consequence of which would be the creation of a nuisance**, then it is well arguable that the grant would be subject to judicial review on the ground of irrationality"



This planning application is for the erection of 12 dwellings with boundary walls, fences, landscaping and associated site works and has been recommended for approval by the planning department. This proposal seeks to use a vacant site, consisting of unmaintained land and create development that will conform with the surrounding land uses which are predominantly residential. The applicant is keen to promote sustainability, and the use of sites like this, within the development limit, is more sustainable than one-off housing developments in the countryside. A range of different house types have been provided to accommodate the various needs of any future occupants. The surrounding area is characterised by residential properties along the Upper Burren Road and Milltown Street and therefore this development will not be out of character, within the surrounding area. The site is classified as "white land" in the statutory development plan. There are no zonings, key site requirements or associated constraints affecting the site. In addition to this there are no listed buildings, archaeological remains or other important natural or built heritage features nearby. The applicant acknowledges that a high number of representations were received both in support and in opposition to the proposal, these have been summarised within the case officers report and addendum report. The views of the public and in particular neighbouring residents are important and have been taken into full consideration by the applicant. These objections have been addressed by the case officer within their final report and the applicant has also outlined within their supporting statement how the proposal will suitably integrate into the area. It should be noted also that statutory consultees that were referred on this application; DFI Rivers, DFI Roads, NI Water, Environmental Health, NIEA and SES have no objections to the proposal. The applicant had instructed a number of independent consultants as part of this application process to carry out reports in line with the regulations set by the statutory consultees to help to demonstrate that the proposed development would not have an adverse impact on the surrounding lands. These reports which included a Transport Assessment Form, Noise Impact Assessment, Lighting Plan, Bio-diversity Checklist and a Drainage Assessment, in addition to the consultee's own assessments of the proposal, showed there to be no impact upon the integrity of protected species, congestion / traffic pressures or road safety, neighbouring amenities and this should reassure the public of their concerns on these matters. Suitable conditions have been attached to the planning department's recommendation for approval, to protect the biodiversity value of the site and any protected species and to ensure that road safety is not compromised as a result of the approval of this application. Concerns were raised by the public around the lack of green space for the development, however this has been provided for with the proposal as each individual dwelling has its own private amenity green space along with small areas of communal open space either side of the site entrance. The Planning Department has also referred to this within their report highlighting that each unit will have small areas to the front and large private garden areas to the rear which are considered to be sufficient. Therefore, these objections cannot be sustained. In curtilage car parking provision is adequate with each dwelling availing of at least two spaces. Planning authorities are increasingly seeking parking at the sides of dwellings to avoid a dominant mass of hard standing to the fronts of properties; hence the applicant has designed the development in this manner. The nature of the proposal is such that it will not result in a significant increase in noise levels, and road traffic noise impact will not undermine existing residents' amenity levels. A new access will be created as part of this proposal; however, it will not have an adverse impact or cause any detriment to road users. All works are in accordance with requirements set out under Planning Policy Statement 3: Access, Movement and parking and Development Control Advice Note 15: Vehicular Access Standards. The planning department

have attached a number of conditions to their recommendation to ensure that these measures along with access works are implemented prior to the occupation of any of the proposed dwellings. This will ensure that the road safety of vehicles travelling along the Upper Burren Road will not be compromised. Despite land ownership issues being a private legal matter, concerns were raised in regards to visibility splays encroaching onto neighbouring properties land. Although the applicant did not feel that this should hold up the processing of his application, as it could be dealt with outside of the application process, the planning department did consider it necessary to address. The applicant duly complied and suitably addressed the concerns raised. There can be no doubts that the correct certificate has been completed, notice served and that no further action is required in this respect. Overall DFI Roads have no concerns with the proposal and objections to this effect from the public cannot be upheld. Concerns have been expressed by existing residents that prospective occupants will be affected by noise from a factory in Milltown Industrial Estate. The applicant has provided an independent report that disproves this, and this has been accepted by Environmental Health. The factory has made various applications on its site and the latest application seeks to vary operating times. On the basis of evidence put forward, Environmental Health has no objection to that expansion. Although there is no uniform style of building in this locality, and there is considerable variety in house design, materials and finishes, we believe that the proposed development respects the surrounding area. The proposed development 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 dwelling forms for this proposal are simple while materials and detailing are consistent with the character of the surrounding area. The scale of the buildings on the site is appropriate to the site's context, while the layout of the proposal has been cognisant of the site's existing contours. The layout of the development will not create conflict with adjacent land uses and there will be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The planning department reiterate this point in their report. The applicant has been careful to ensure that the existing vegetation at the site will be retained in order to maintain the rural character of the area. Dwellings are adequately spaced and the proposal has been reduced from a total of 15 dwellings to 12 to facilitate this. Overall, there will be no diminution in the area's local character and environmental quality. The planning department share this view and recognise the detail and consideration of design and amenity space carried out by the applicant as a part of this development proposal. There are limited views into and through the site from any points of general public access or assembly, owing to the site's context (situated to the rear of a number of residential properties).

Overall, the nature of housing proposed is to a very high standard and no insurmountable constraints have been identified. The proposal is believed to be indicative of a quality residential environment. It is considered to be compliant with all current planning policies and supplementary guidance documents and the principle of residential use on this site has been justified. All third-party concerns have been carefully considered by the planning department and the applicant. There are no known material considerations that would dictate that planning permission ought not to be granted in this case. The proposal does not offend any of the applicable policy provisions and there are no grounds to sustain a refusal. In light of the foregoing we would respectfully request the Committee members to align with the recommendation of the planning department and approve this proposal.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1565/F

Date Received: 09.10.18

1.0 Proposal:

Erection of residential development comprising of 5 No. dwellings and 2 No. self-contained flats and associated site works

2.0 Location:

Lands immediately North East of No. 15-17 The Square, Newtownhamilton

3.0 Site Characteristics & Area Characteristics:

The site comprises of undeveloped lands located within an urban location fronting onto The Square, Newtownhamilton. Land falls steeply away from the roadside from NW to the SE boundary with an approximately 10m level difference between the roadside and the SE boundary.



Surrounding development comprises of a mix of residential/ commercial two storey terrace and some detached properties fronting onto the street with no formal garden along the road frontage with open space/ yards located to the rear. The site is

immediately adjacent and E of an existing community centre and directly opposite and S of Newtownhamilton Police barracks.

The site is located within the settlement limits of Newtownhamilton (NN01 – Settlement Development Limit) as designated within the Banbridge, Newry and Mourne Area Plan 2015 with the NW portion of land located within the Town Centre Boundary (NN07 – Town Centre Boundary) with remainder outside but contained within the unzoned lands of the settlement limits. Lands are identified as a Development Opportunity Site (NN13) and Area of Archaeological Potential.

Adjoining lands to the E are undeveloped and along with the existing site is part of designated development opportunity site which extends W and SW toward the Dundalk Rd.

Development Plan Map:



Town Centre Boundary



Settlement Plan

4.0 Site History

No related planning history attached to the site.

5.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

The planning policy/ guidance/ legislative context for this application is provided by:

- The Planning Act (NI) 2011
- The Planning (Environmental Impact Assessment) Regulations (NI) 2017
- Regional Development Strategy
- The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- The Strategic Planning Policy Statement for NI (SPPS)

Planning Policy Statements

- PPS3 – Access, Movement and Parking

- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments
- PPS7 (Addendum) – Safeguarding the Character of Established Residential Areas
- PPS12 – Housing in Settlements
- PPS15 – Planning and Flood Risk
- Planning Strategy for Rural Northern Ireland (DES 2)

Further Guidance

- Creating Places
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards
- Parking Standards

6.0 Consultations:

Transport NI (15.06.22) – Proposals unacceptable as submitted. Insufficient detail available on transportation issues. Should Planning be minded to progress the application towards approval DFI Roads require:

- A 1:200 scale site location map clearly showing 2.4m x 33m
- Development access road must be constructed to adoptable standards as the proposed development contains 5 or more dwellings on the basis the rest of the zoning is to access the public road via the proposed access
- 'Right turn only' compulsory movement sign required opposite entrance

DFI also note that the proposed road does not meet the boundary of the adjoining land to allow access to the remaining zoned lands. DFI recommend refusal based on lack of information to fully assess the proposal to an adoption standard.

Rivers Agency (19.10.19):

FLD 1 – Site does not lie within a flood plain

FLD 2 – The arrangements for the maintenance of the watercourse contained on drawing No. P06B dated 18.08 were previously deemed satisfactory.

FLD3 – The agent has confirmed that the total impermeable surface does not exceed the thresholds requiring a drainage assessment. Satisfies FLD3

FLD4 and FLD5 – Not applicable

HED (30.09.20) - HED Historic Monuments have reviewed the amended plans submitted. Our previous advice still applies in this case. Any approval issued should be subject to archaeological conditions as per Policy BH 4 of PPS 6.

(HED comments 14.11.18) HED: HM 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

NIW (19.12.19) – There is a public water supply and foul water sewer with available capacity at the WWTW. There is no surface water sewer.

7.0 OBJECTIONS & REPRESENTATIONS:

5 neighbours notified

No objections received

Advertised October/ November 2018

8.0 PLANNING ASSESSMENT & CONSIDERATION:

The agent submitted amended plans in August 2020 following correspondence from the Planning Department on the 8th June 2020 enclosing an attachment of a proposed development that may be deemed acceptable. Whilst not ideal it was agreed to have a single building at the road frontage immediately beside the community centre to maintain the roadside built frontage and with the road to the NE to allow for future expansion into adjoining lands. Future development of land to the E will screen the development to the rear over time.

The application is for the erection of 2 apartments that front onto the roadside with 5 dwellings to the rear accessed via a private access to a mix of semi-detached and detached dwellings. Apartments and dwellings 01 – 04 are two storeys, dwellings 05-07 are presented as two storey to front elevation, a split level with three storey rear elevation which has been designed as such due to the steep rising gradients found

at the application site. This development will be screened by proposed landscaping along the E portion of the site but also by eventual development of adjoining lands.

Development Proposals:



Elevations/ plans properties 01-04



Elevations/ plans properties 05-07

Photographs:



NE looking SW (Junction of Newry Street/ The Square – Note the 'No Entry Sign')



The Square (W looking E)



The Square (N looking S)

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

The Planning Department has carefully assessed the proposal in the context of the prevailing planning policy.

9.0 Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan 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 inside the development limit of Newtownhamilton the NW portion of the site is within the Town Centre Boundary and a Development Opportunity site (NN13) with remaining lands within the development limits.

The applicant proposes to utilise lands for the residential purpose. Whilst part is zoned as a development opportunity site within the town centre boundary this does not preclude the development for a residential use and indeed the area plan suggests that housing as an example of the range of potential uses for these areas of land zoning.

Under the land zoning of NN13 there are a number of key site requirements including two storey to the street frontage and access from Newry St to which proposed development is in accordance. Although it does suggest an active ground floor facade the reinstatement of an active residential use at this level is in keeping with the existing built form and arrangement observed along this street. Pedestrian

and cycle access to Dundalk St is irrelevant in the assessment of this application as this is outside the ownership and control of the applicant.

Overall development proposals are in keeping with the requirements of the area plan and are not at conflict with it.

10.0 Strategic Planning Policy Statement (SPPS).

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

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

11.0 PPS3, DCAN 15 and Parking Standards:

Transport NI in their consultation response dated 15.06.22 have advised that proposals are unacceptable as submitted.

The Planning Department has considered the consultation response from DFI Roads and notes the following:

- The stretch of road from Dundalk St into The Square through to the Square/ Newry Street junction operates as a one-way system, running from W to E. The entrance and exit to the proposed development will enter from the W and turn right eastward along with the one-way flow of traffic from W to E.*

Bearing this in mind the applicant has shown visibility to the left of the site in accordance with requirements which will allow those exiting the site to see oncoming traffic (from W), there is no traffic coming from the right (E).

Visibility can be achieved to the right (E) albeit it is not defined on the site layout plan as the applicant does not own or control adjoining lands adjacent. Lands to the E remains undeveloped at present and there is clear egress when exiting to turn right with no oncoming vehicular traffic coming in this direction. Any likely future development on this site is likely to be set back from the road in line with the observed building line and will not be permitted forward of this, this will also ensure adequate visibility should future lands be developed or in the event of future alteration of traffic flow.

The site comprises of 2 apartments at the roadside which are street frontage, were there is no requirement for an access arrangement. Whilst the preference is to have a scheme to an adoptable standard in order to avail of access to the adjoining lands. The Planning Department cannot insist on this and development of this site as a standalone development does not prejudice the development of adjoining lands as these can be developed and accessed separately.

The insistence of a 'right turn only' compulsory movement sign required opposite the entrance is pedantic in its requirement. Land opposite the entrance is outside the ownership and control of the applicant that it is simply impossible to facilitate this as it is located on the wall of the existing police station. Users of the site should be familiar with the surrounding traffic movements without the need for signage and it should be noted there is an existing no entry sign to the NE (Square/ Newry St junction) to prevent traffic moving westward towards the site.

For the reasons set out above the Planning Department do not agree with the consultation response from DFI Roads and are satisfied that the layout and access arrangement will not compromise road safety nor prejudice the outcome of the development of future adjoining lands.

The remainder of the development is that for 5 dwellings which can be dealt with as a private development without the need to be brought to an adoptable standard. Adjoining lands can be accessed separately without need to go through this development.

12.0 SPPS and PPS3 (AMP 1 - Creating an Accessible Environment)

The policy directs that development should create an accessible environment for everyone.

The development proposed is a private development which has adequate in curtilage car parking with a footway link to facilitate users within the site with no unnecessary obstructions.

Proposals meet requirements of AMP1

13.0 SPPS and Policy AMP 2 (Access to Public Roads)

Planning permission will only be granted for a development involving direct access to a public road where it meets criteria a and b of the policy. As the access does not access onto a protected route only criteria a of the policy needs to be satisfied.

Transport NI in their consultation require visibility of 2.4m x 33m to either side of the access. The agent has in drawing No. P021 (Proposed Site Layout) has clearly delineated visibility to the left of the access allowing full sight of oncoming one-way traffic meeting DFI requirements.

Although acknowledged that it has not been clearly defined to the right of the access, nevertheless visibility is informally achievable with unobstructed views which will be maintained should adjoining lands be developed, as any development to the E will have to be set back from the road to be in accordance with the existing building line. As traffic is also one-way entrance and exit for the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic

14.0 Policy AMP 7 Car Parking and Servicing Arrangements

The policy sets out the requirement to provide adequate carparking and servicing requirements within the application site.

Given the small-scale nature of the development the vast majority of parking is contained in curtilage within the site with on-street parking available within walking distance. Overall proposals do not prejudice road safety, nor will it inconvenience the flow of traffic.

Proposals meet the requirements of AMP7

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

The site is located within an urban setting surrounded by a mix of long established residential and commercial properties with a strong street frontage development found at this location which is very much a characteristic feature of Newtownhamilton as a settlement. Surrounding buildings are defined by two storey terraces with several detached and semi-detached properties. External finishes are render with concrete roof tiling. Given local context the design of proposed buildings will not appear misplaced in its surroundings.

The proposed development comprises of a detached apartment property at the road frontage maintaining the continuous build frontage, with two storey dwellings (mid portion) whilst to the SE portion of the site dwellings are two storey frontage with three storey to rear which have been specifically designed taking account the steep terrain at this location. Landscaping is proposed throughout the site, that the implementation and maturity of vegetation will further assist in screening views.

The proposed dwellings incorporate materials which are evident within this locality, with the scale, mass and form reflective of existing built form found at this location and will not appear misplaced in its surroundings. Given the small-scale nature of development it is difficult to provide a range and mix of house types.

HED Monument have been consulted on proposals and are content subject to conditions. There is no impact upon built heritage.

The design and layout does not create conflict with adjacent land uses and the agent has provided a Concept Masterplan to illustrate how adjoining lands can be developed without prejudicing the development of future lands to either side.

No issues upon amenity in relation to existing or adjoining lands.

There is public water supply and foul water sewer available, although no available surface water sewer this can be negatively conditioned to be provided prior to commencement of works.

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

levels and the proposed planting adjacent to the SW and NE boundaries make it difficult for access by any third party.

There is adequate provision of private open space throughout the development with appropriate planting within plots and along the outer boundaries.

Proposals also have adequate and appropriate provision for parking within the development.

There is no provision for local neighbourhood facilities provided, however due to the small-scale nature of the development this would be difficult to achieve. Given the location of the development within the settlement limits of Newtownhamilton the development is within proximity to local facilities and assists with sustainable movement patterns.

Density levels are comparable to similar development within Newtownhamilton and benefit from good accessibility to public transport networks.

Development will be located on formerly developed land and located within the settlement limits of Newtownhamilton maintaining sustainable forms of development within the urban context.

16.0 PPS7 (Addendum) LC1

Planning permission will only be granted for the redevelopment of existing buildings or the infilling of vacant sites to accommodate new housing where all the criteria of QD1 of PPS7 has been met. Proposals meet the requirements of QD1 for the reason set out above and in doing so also meet LC1 of PPS7 (addendum).

17.0 Policy DES 2 of PSRNI

Proposals are in keeping with the surrounding land uses and in compliance with area plan requirements. Design and layout is acceptable at this specific location and there is no impact to amenity upon adjoining land owners. Proposals comply with DES 2 of PSRNI.

18.0 Impact to the Environment

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

19.0 EIA

The proposal falls within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Local Planning Authority has determined through an EIA screening that there

would be no likely significant environmental effects and an Environmental Statement is not required.

20.0 Consideration and Assessment:

Proposals are acceptable in principle for the reasons stated above.

21.0 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:

- P01 (Site Location Plan)
- P02I (Proposed Site Layout)
- P04G (House Types Plots 01-04)
- P05C (House Types Plots 05 -07)
- P03F (Proposed Site Sections)
- P07A (Landscape Layout)

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

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

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

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

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

5. Prior to commencement of the development hereby approved, the method of sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

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

6. Prior to the commencement of the development hereby approved, a Schedule 6 Consent to Discharge shall be submitted to and agreed in writing by the Newry, Mourne and Down District Council's Planning Authority in consultation with DfI Rivers Agency.

Reason: As required by the terms of Schedule 6 of the Drainage (NI) Order 1973 and to ensure surface water can be safely discharged from the proposed development.

7. All hard and soft landscape works shall be carried out in accordance with drawing No. P02I (Proposed Site Layout) and P07A (Landscape Layout) and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following the first occupation of any of the dwellings hereby permitted.

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

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

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

Case Officer: Orla Rooney

Authorised Officer: Patricia Manley



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1673/F

Date Received: 26.10.2020

Proposal: Residential development consisting of 4no. detached dwellings (revised scheme).

(Note: Original submission was for 7 units)

Location: 43 Upper Damolly Road, Newry

1. Site Characteristics & Area Characteristics:

- 1.1. The application site currently exhibits three buildings including; a small bungalow with a hipped roof and grey pebble dash render and two relatively large outbuildings. The application site is accessed from the Upper Damolly Road via a single access and raises eastward toward the existing bungalow. The boundaries to the rear of the site are defined by mature hedgerow and mature trees which separate the site from nos. 53-56 Cherrywood Grove. The southern boundary is defined by a small timber fence and a number of mature trees. The northern boundary is defined partially by a timber fence and partially by mature trees. This boundary separates the site from nos. 57- 60 Cherrywood Grove.
- 1.2. The site is located within the development limit of Newry on whiteland (unzoned) in accordance with Banbridge, Newry and Mourne Area Plan. The site is located within a predominately residential area. Cherrywood Grove housing estate is located immediately to the north and east of the site. This housing development is characterised by modest semi-detached bungalows. The area immediately to the west and south of the site is characterised by detached dwellings on large plots. Directly adjacent the application site, 42 Upper Damolly Road exhibits a large two storey dwelling with a front projection

clad in stone. St. Ronan's Primary School and Sacred Heart Grammar School are located a relatively short distance west of the site.

2. Site History:

- P/2001/1150/O: An application seeking outline permission for a housing development was withdrawn on 4/12/2001.
- P/2002/0850/F: Full planning permission was approved for an extension to no. 43 Upper Damolly Road on 8/10/2002.
- P/2002/1547/F: Full planning permission was approved for the replacement of no. 43 Upper Damolly Road on 15/10/2002.
- P/2003/2295/F: A Full planning application seeking permission for 1 detached and 6 no. semi-detached dwellings was withdrawn on 14/4/2004.
- P/2004/2826/F: A full planning application seeking permission for 6 semi-detached and 2 detached dwellings was returned as an invalid application.
- P/2010/0026/O: An application seeking outline permission for a housing development was returned as an invalid application.
- P/2010/0395/O: An application seeking outline permission for a residential housing development was refused on 18.10.2010.

3. Planning Policies & Material Considerations:

- Shaping Our Future - Regional Development Strategy for Northern Ireland 2025.
- The Banbridge/Newry and Mourne Draft Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments
- Planning Policy Statement 7 Addendum– Safeguarding the Character of Established Residential Areas.
- Planning Policy Statement 12 - Housing in Settlement.
- Planning Policy Statement 15 – Planning and Flood Risk
- Planning Strategy for Rural Northern Ireland

Supplementary planning guidance is found in:

- Creating Places - Achieving Quality in Residential Developments.
- Improving the Quality of Housing Layouts in Northern Ireland
- Development Control Advice Note 8: Housing in Existing Urban Areas.
- DCAN15 – Vehicular Access Standards
- Parking Standards

4. Consultations:

- *Ni Water:* Network capacity issues to be resolved prior to commencement via negative conditions.

- *DfI Roads:* No objections subject to conditions.
- *DfI River:* DfI River were consulted on the larger scheme with several more units proposed. Upon receipt of the Drainage Assessment and amended scheme the area of hardstanding had been significantly reduced to no longer engaged FLD 3 of PPS 15. Therefore, further consultation was no longer required, this is discussed further within PPS 15 Assessment below.
- *Environmental Health:* No objections subject to conditions

5. Objections & Representations

27 Neighbouring properties were notified, and the application was advertised in two local newspapers, most recently 3rd and 4th May 2022. 11 Representations from 6 different addresses were received. The material considerations raised within the representations included:

- The proposed house types - Concerns were raised regarding the provision of two storey dwellings throughout the site and the impact this would have on the character of the area.
- Footpath provision - Concerns were raised regarding the provision of a footpath across the front of the site.
- Density – Concern was raised that the original proposal was a much higher density than that found in the area.
- Foul and Storm Sewage – Concerns were raised that about the proposal's ability to connect and service the proposal considering network capacity issues.
- Loss of private amenity and Loss of light - concerns were raised that the proposed 2 storey dwellings would have an adverse impact on the light and private amenity of existing dwellings.
- Removal of hedgerow - concerns were raised that the proposal would involve the removal of the existing mature hedgerow and trees which currently define much of the application site.
- Increased Vehicular Traffic - concerns were raised that the proposed increase in housing would prejudice the safety of road users along the Upper Damolly Road.

The material consideration outlined above have been given careful consideration throughout the assessment of this application and are considered further in the assessment below. As there has been objections from 6 different addresses the application will be referred to the Council's Planning Committee for their assessment.

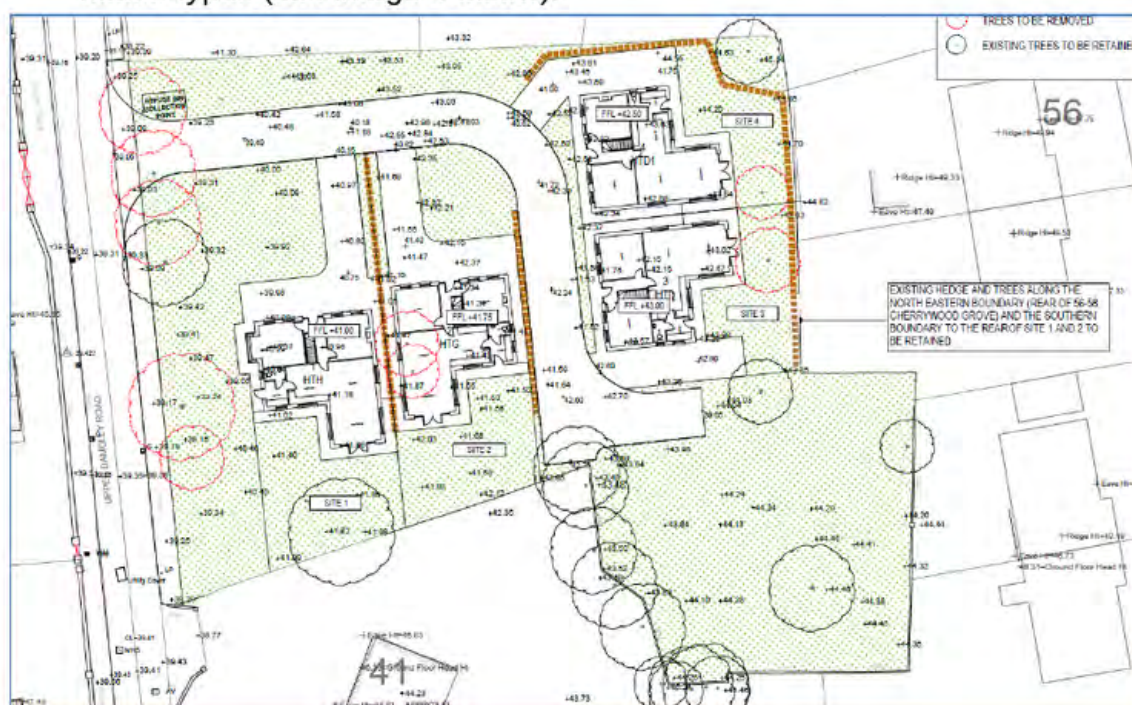
Consideration and Assessment:

The Proposal

5.1. The application originally sought planning permission for 7 two storey dwellings consisting of 4 semi-detached and 3 detached (see image 3 below). The Planning Authority had a number of concerns with the original proposal.



5.2. The agent was afforded several opportunities to amend the scheme during its assessment. The proposal before the planning Authority now exhibits a significant reduction in the number of dwellings, changes in the layout and house-types (see image 4 below).



- 5.3. The proposal now presents four house-types, two detached two-storey dwellings at Sites 1 and 2 and two detached 1 ½ storey dwellings at Sites 3 and 4. House Type H (HTH) at site 1, presents a 4 bed two storey dwelling, finished with red brick walls, off white RWGs, grey roof slates/tiles and solid timber doors. On the ground floor, a single storey extension provides a sunroom into the kitchen/dining. The first floor provides a master bedroom with ensuite, 3 more bedrooms and a bathroom. The west elevation includes a door and partial bay window to create a frontage onto the Upper Damolly Road. At Site 2, House Type G (HTG), presents a mirror image of HTH with minor alterations to the east elevation as a double frontage was not required.
- 5.4. Site 3 exhibits House Type D (HTD) a 1 ½ storey dwelling with a single storey presentation, a sunroom to the rear, kitchen/dining lounge and family room. The first floor includes a master bedroom with ensuite, two bedrooms - one with a dormer window, and a bathroom. Site 4 exhibits House Type D1 (HTD1), which is the mirror image of HTD.

Assessment

The NI Regional Development Strategy 2035

- 5.5. RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment. The location of the application site within Newry Settlement, close to transport links and existing neighbourhood services results in a suitable site to increase housing density.
- 5.6. Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies inside the City of Newry.
- 5.7. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this. Therefore, the principal proposal is in keeping with the Area Plan. There are no specific

policies in the Plan that are relevant to the determination of the application. It will be assessed against regional operational policy.

Planning Policy Statement 7 – Quality Residential Environments, Addendum to QD1 – LC1 and Creating Places

5.8. Policy QD1 of PPS7 requires planning permission for new residential development to demonstrate a quality and sustainable residential development where the design and layout will reflect the positive aspects of the character and appearance of the surrounding area. Such proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria

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

5.9. The Planning Authority initially sought to reduce the size of the house-types to single storey to reflect those found in Cherrywood Grove. However, when accounting for the wider residential area including; Willow Grove, Beechmount Park, Elmwood Grove and No 42 Upper Damolly Road a large two storey dwelling directly opposite the site, the Planning Authority did not consider a reason for refusal could be sustained. As the principle of two storey dwellings is established, the scale, massing and design of Sites 1 and 2 are considered acceptable. As stated above the proposal was amended several times seeking to achieve a satisfactory scheme, including the provision of a double fronted dwelling at site1 to ensure there was a perceived frontage onto both the Upper Damolly Road and the internal access. The dwelling at Site 1, presents towards the Upper Damolly Rd, and is set back approximately 11m from this road which respects the vague building line along this stretch of the Upper Damolly Road. Sites 3 and 4 are set back and sited 42m from the public road and present modestly regarding scale and massing, which takes account of the higher ground levels. In the round, the scheme is considered to respect the character of the area, which includes a mix of house types and plot sizes, and designs. On balance, it is considered the proposals satisfy criterion a.

(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;

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

proposal. The approval will be conditioned to protect the existing hedgerows and mature trees. The proposal satisfies criterion (b).

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

- 5.11. Each site exceeds the minimum provision of private space provision. The size and nature of the proposal does not mandate a requirement for public open space under PPS 8. The area of grass will be conditioned to be maintained by a management company, which shall be subject to a pre-occupation condition. The relatively large front gardens of sites 1 and 2 break the expanse of hardstanding. Criterion c is met.

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

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

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

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

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

- 5.14. Space for a total of 10 in-curtilage parking spaces are proposed. Which are considered to be adequate to serve the development. A concern was raised regarding the provision of a public footpath across the frontage of the site. The application proposes a footpath across the frontage to an adoptable standard. It is noted DFI roads offer no objection. The proposal satisfies criterion (f).

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

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

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in

terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

- 5.16. The site is located between a residential development, Cherrywood Grove and No. 41 Upper Damolly Road. The topography and levels have been noted (existing and proposed), with sections provided. The separation distances and spacing with adjoining properties is also noted. It is considered the development will not result in any significantly adverse impact in terms overlooking, loss of light, overshadowing, noise or other disturbance in this urban context. Concern was raised by a number of neighbouring dwellings regarding potential adverse impact in terms of privacy and loss of light. The existing mature hedges will be retained to the rear of site 3 and 4. A native hedge with a woodland mix will be conditioned to the rear of No.58, No.59 and No.60 Cherrywood Grove. The potential adverse impact from overlooking was internally discussed and it is the Council's assessment that the existing boundary treatments with a proposed 1.8m high closed board fence, together with the separation distance and combined with the difference in levels will not cause any unacceptable loss of privacy as views of the rear gardens will be limited. The proposal satisfies to criterion (h)

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

- 5.17. The proposal is designed to deter crime and promote personal safety as far as is appropriate for a proposal of this size and scale.

PCP1 (of PPS 12) – Increased Housing Density without Town Cramming

- 5.18. This policy encourages increased density of housing development in towns and city centres and other locations which benefit from high accessibility to public transport facilities however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded. Respect should also be paid towards the form, scale, massing and layout of the new development and that of adjacent housing and safeguard the privacy of existing residents.

- 5.19. The proposal is considered to respect the existing density, together with the form, scale, massing and layout of the new development the proposal will respect that of adjacent housing.

Addendum to PPS 7 Safeguarding the Character of Established Residential Environments

- 5.20. 6.20. In addition to the nine criteria of Policy QD 1 in PPS 7 new dwellings in urban areas must conform to, Policy LC 1. The policy states in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing where all the criteria set out in PPS 7 QD1 are met including the three additional criteria including Policy LC 1 which states: In

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

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

5.21. The proposed density is not significantly higher than that found in the area, the pattern of development is in keeping with the overall character and environmental quality of the established residential area and the proposed dwellings present well above the standards identified in Annex A.

5.22. It has been determined the layout is not out of keeping with the density of the area and is not detrimental to the character of the area. The proposed considered to satisfy to criterion (b) of LC1.

5.23. PCP1 states: When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

PPS 15 Planning and Flood Risk

5.24. As stated above, the original submission proposed 7 dwellings and due to the provision of hard standing DfI Rivers were consulted, however following the significant amendments the total area of hardstanding proposed was under 1000sq.m therefore FLD3 was no longer engaged. The agent submitted an amended Drainage Assessment to reflect the amended proposal which proposed to limit storm discharge to 3.5l/s (equivalent greenfield rate) to the existing storm sewer. This will be achieved through use of a flow control device and attenuation of 56m³ provided in oversized infrastructure. To ensure this is achieved a negative condition requiring NI Water approval.

5.25. The Planning Dept has determined that while a number of representations have been received, on balance, there are no grounds to

sustain a refusal in this instance. Accordingly, approval is recommended, subject to a series of conditions.

6. Recommendation: Approval

7. Conditions:

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

Reason: Time Limit

2. The visibility splays of 2.0 metres by 60 metres at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. C002 Rev P4 consultation date 22nd February 2022, prior to the commencement of any other works or other development.

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

3. A Final Landscaping plan will be submitted to, and agreed in writing with the Planning Authority, prior the commencement of any works hereby approved. The Landscaping Plan shall provide a 1.8m smooth rendered wall as coloured blue on DWG 100-03 Rev G.2, a 1.8m boarded fence as coloured red on DWG 100-03 Rev G.2, a low-level rendered wall with metal estate type railing as coloured purple on DWG 100-03 Rev G.2, a 1.1m high metal railing as coloured yellow on DWG 100-03 Rev G.2, a native hedgerow with a woodland as coloured green on DWG 100-03 Rev G.2.

Reason: In the interest of visual and residential amenity.

4. No dwellings shall be occupied until such times as a landscape management and maintenance Plan has been submitted to and approved by the Department setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens, (except for trees

or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long-term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

5. The existing hedgerow and mature trees as coloured orange DWG 100-03 Rev G.2 shall be permanently retained. 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.

6. If any retained tree/hedge is removed, uprooted or destroyed or dies, it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

7. 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. C002 Rev P4, consultation date 22nd February 2022.

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

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's 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's 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. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

Reason: In the interest of Public Health

11. No rainwater good, soil pipe, utility fitting and/or any other utility pipe or fittings shall be located on the west elevation fronting on to the Upper Damolly Road.

Reason: In order to maintain an appropriate frontage on to the public road

12. No development shall take place on-site until the method of sewage disposal and storm sewer disposal has been agreed in writing by the Planning Authority in conjunction 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 that a feasible method of sewage disposal is available at the site

13. No connection shall be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006

(as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Reason: In the Interest of Public Health

14. All services within the development should be laid underground.

Reason: In the interests of visual amenity

15. 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.

16. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health

17. All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste).

18. The proposed development shall be connected to the mains water system, with NI Water approval, prior to occupation of the dwellings hereby approved.

Reason: In the interest of public health

19. The proposed development shall be connected to the main sewer, with NI Water approval, prior to occupation of the dwellings hereby approved.

Reason: In the interest of public health

Informatives

Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment

Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.

Case Officer Signature:

Eamonn McArdle

Date: 09-08-22

Authorised Officer Signature:

M Keane

Date: 09-08-22



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

ADDENDUM 2 TO REPORT

Application ref: LA07/2021/1212/F

Revised proposal description: The application is for full planning permission for the proposed erection of 2no camping pods and 2no cabin units, washroom/laundry building, car parking, hard/soft landscaping and all associated site works, Lands immediately adjacent and north of No 61 Shore Road Strangford

Reconsideration

The application was presented on the delegated list of W/C 13th December 2021, with a recommendation for refusal, based on overdevelopment. The agent initiated the "call in" procedure. In the interim the scheme was further revised from what had been considered at the 'call in' panel. In the interest of clarity, this revised scheme forms the basis of this reconsideration. This reconsideration is based on revised plans;

PJ-100-04 REV B – Proposed Site Layout Plan

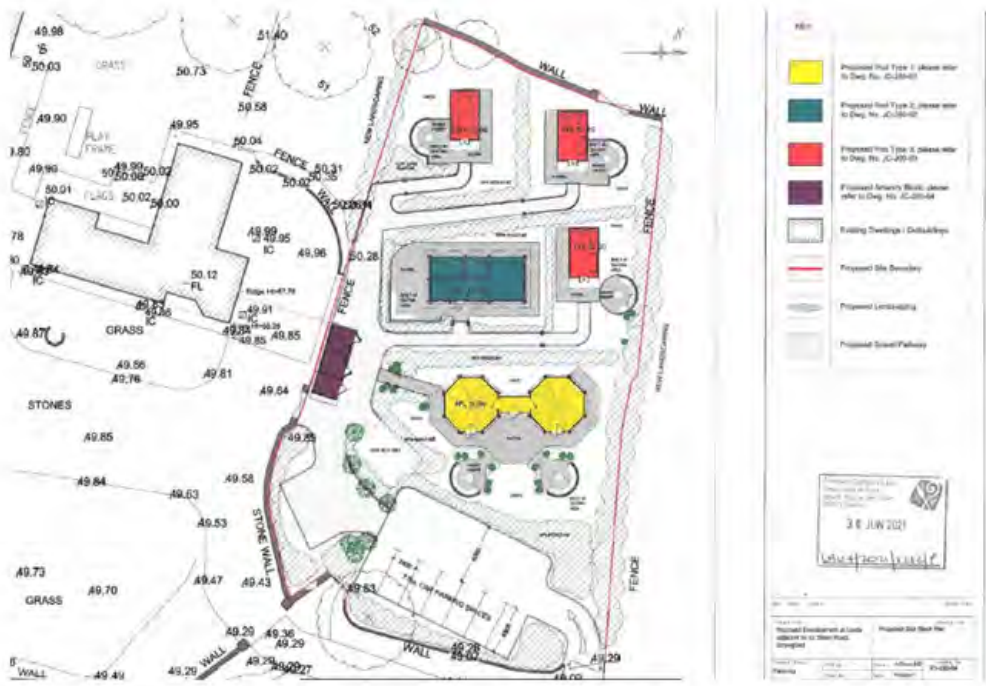
PJ -100- 05 REV B – Proposed Site Layout Plan with Associated Proposed Site Section

PJ-200-01 REV A Proposed Floorplans & Elevations POD TYPE 1

JC-200-02 REV A – Proposed floorplans & Elevations POD TYPE 2

The revised plans indicate removal of POD type 3 the smallest of the pods.

Original scheme submitted



Amended



it conflicts with the SPPS and policies TSM6, TSM7 and TSM 8 of PPS16 and policies CTY13 and CTY14 of PPS21.

Informative

The plans to which this refusal relate include: PJ-100-01, PJ-100-02A, PJ-100-04 B, PJ-100-05B, PJ-200-01A, JC-200-02A.

Case Officer **C. Moane**

Date **19/05/2022**

Appointed Officer **A.McAlarney**

Date **30 May 2022**

LA07/2021/1212/F - Proposed Erection 2nos cabin units, washroom/laundry building, car parking, hard/soft landscaping, and all associated site works - Lands immediately adjacent and north of No 61 Shore Road, Strangford

This application has been with the Council since 30th June 2021, and first appeared on the delegated list on the 13th December 2021, as a refusal. No concerns had been raised and the applicant had not been afforded an opportunity to make amendments (See Appeal 2020/A0053). The "call in" process was initiated, and the application has been **amended significantly from the original proposal in the intervening period** and seeks 2Nos. units located within the domestic curtilage associated within Nos.61 Shore Road.

In this case, there is no wider public interest as there are no 3rd party objections and no objections from any of the statutory agencies.

Paragraph 5.72 of the SPPS states that **'Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable.'** In this circumstance the Council have failed to concisely clarify the reason for refusal and have maintained the initial concerns, despite significant revisions occurring.

Reason for Refusal 1 – SPPS

Tourism makes a vital contribution to the Northern Ireland economy and the Programme for Government, and the Northern Ireland Executive's Economic Strategy contain key strategic targets for tourism that recognise its potential to deliver significant economic growth in the future and supports the local tourism sector's long-term aspiration to grow tourism into a £1billion industry in Northern Ireland by 2020.

The SPPS advocates that **"A positive approach should be adopted in determining applications for tourism development** so long as the proposals are sustainable, are in accordance with the LDP, and will result in a high-quality forms of development".

Reason for Refusal 2 - Policy TSM6 - New and Extended Holiday Parks in the Countryside

There is no definition of what constitutes a 'high quality' holiday park, and it is subjective and open to interpretation. **A tourism proposal, which would involve a mixture of pod types, amenity block, car parking facilities and hard and soft landscaping would incorporate all the required elements of a "high quality" scheme.** We have been involved with many in our time as agents and I have not come across such resistance to a modest scale development, set back from the public road and integrated into the landscape.

Planning officers were provided with a list of **18 examples of other camping pod developments in NM&D District Council and within Areas of Outstanding Beauty (AONB), which were all granted planning permission.** Many of the example developments were more intensive and have less cohesion than this proposal and were significantly overdeveloped and cramped. There is no consideration or reference to these examples in your report to distinguish the circumstances.

Paragraph 1, Section 1 of the Planning Act (Northern Ireland) 2011, seeks the orderly and consistent development of land. **In my opinion the applicants have not been treated fairly and equitably when these other examples are considered.**

Reason for Refusal 3 – Policy TSM7 - Criteria for Tourism Development

The officers accept in the initial DMR dated 03/12/2021 that there are **no issues with any of the criteria contained within Policy TSM 7.** It is stated that the proposed has the 'potential to be compatible', but due to its cramped and overdeveloped nature on site it will result in an unacceptable impact on this area.

Officers also accept that the design and choice of materials are acceptable in the Area of Outstanding Natural Beauty (AONB). However, in Addendum 1 and 2, Policy TSM7 is not mentioned in either as a reason for refusal nor are specific criteria considered following the significant revisions.

Reason for Refusal 4 – Policy TSM8 - Safeguarding of Tourism Assets

The AONB designation extends over a significant area (13,748 ha), taking account of the limited scale and localised views of the proposal, I fail to see how this would reconcile with the proposal negatively impacting on the AONB either locally, or as a whole.

It is evident that the influence of this small-scale development would not significantly impact on the wider setting of the AONB, where the physical landscape is dominant and to suggest otherwise is wholly unreasonable.

LA07/2015/1319/F was permitted by Planning Officers for a large, prominent dwelling in close proximity to the Shore Road, as per the below image. There were significant ground works (cut and fill) to accommodate the dwelling on a sloping, elevated site, and removal of vegetation. This dwelling provides a context and a baseline of what has been deemed to be acceptable by officers in the immediate vicinity and in the AONB. The impact of this dwelling in the landscape is significant. By comparison to this small-scale tourist proposal located on the site in the 2nd image.



Reason for Refusal 5 & 6 – Policy CTY 13 – Integration & Design and Policy CTY 14 – Rural Character

In considering the visual impact, the test is not one of invisibility and taking account of the modest scale of the buildings, as demonstrated on the accompanying drawings, the sloping topography, mature trees, grouping with existing buildings, defined boundaries and additional planting. It would be extremely difficult to argue visual harm.





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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0074/O

Date Received: 18.01.22

Proposal: Infill site for 2 dwellings with domestic garages

Location: Between no 24 and 28 Lough Road, Crossgar.



Site Characteristics and Area Characteristics:

The application site comprises stretch of land across two fields to the northern side of Lough Road. Along the roadside boundary is a hedge which is quite sparse and fades away at the western end. A long hedge boundary splits the site and a both of the fields are served by agricultural field gates. The sites are generally flat but continue to rise in level further to the north west.

The site lies outside the settlement and therefore lies in the countryside as identified in the Ards and Down Area Plan 2015.

Site History

No recent or relevant planning history on the site.

Planning Policies and Material Considerations:

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3, 6 and 21 (CTY1, 8, 13, 14, 15), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

Consultations:

DFI Roads – no objections.

NI Water – generic response - no objections

Objections & Representations:

The application was advertised in the local press which expired on 16.02.22 and neighbour notification expired on 09.02.22.

To date, 2 letters of representation have been received, raising objection on the following grounds:

- This is an unclassified country road, virtually single track with no passing points, two additional dwellings and associated traffic will present a serious road safety hazard.
- The proposal will not make use of an existing access as stated, rather it will require a new access
- Our septic tank has soakaways within part of the site and we have a right of way across the site for maintenance purposes, there is no mention of this in the application
- This elevated site will overlook our property
- Sight line requirements could not be met – ownership issues
- Land to the rear of proposed site would be landlocked with no access to the road for farming or agriculture purposes.

Consideration and Assessment:

This application seeks outline permission for the erection of 2no infill dwellings.

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable development in the countryside' (PPS21). Policy CTY1 of PPS21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY8 of PPS21 (infill dwelling).

Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.

In assessment of this application, it is noted that the site shares a common frontage along Lough Road with no 24 to the west, and no's 28 and 30 to the east.

Site	Plot width (m)
No. 24	44
Application site	96
No. 28	34
No. 30	40
Avg	39.3

The application site has a width of 96m which the agent shows would provide 2no dwellings with plot frontages of approx. 48m in width. These two plot frontages would be considered larger than the surrounding plot sizes either side.

The building to building distance across this site is 128m from the garage of no. 24 to the dwelling at no 28. Officers consider that this gap of 128m is even wider than 3 average plot sizes and therefore it is considered to be too wide a gap to be considered *a small gap site sufficient only to accommodate up to a maximum of two houses*. This piece of land is considered a visual break in the landscape and is therefore not suitable for infill.

While officers are satisfied that there are three buildings that share a common frontage onto Lough Road, the gap is considered to be too wide to constitute an infill opportunity. It is therefore considered that the proposal fails to comply with Policy CTY8 of PPS21.

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

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area.

In terms of CTY13 this is an outline application with little detail submitted. Officers consider that suitably designed dwellings could be erected on the site without being unacceptably prominent. There would need to be new boundaries created to the rear, front and in between the proposed new sites in order to help the dwellings integrate. The land level rises to the rear of the sites providing a slight degree of backdrop. Officers are satisfied that that suitably designed dwellings would not conflict with CTY13 of PPS21.

CTY 14 relates to Rural character. The proposal would not be considered unduly prominent as stated above however officers consider that there would be quite a suburban style build-up of development if these two dwellings were approved, with 5 dwellings in a row. Moreover, the proposal would also create a ribbon of development which does not currently exist, removing a visual break between no 24 and the semidetached no 28/30. The proposed dwellings would each have a frontage of 48m which is slightly larger than the nearby no 24, and significantly larger than no.28 and 30. As such, the proposal fails to comply with CTY14 (b) and (d).

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a public road where:

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic and
- (B) The proposal does not conflict with Policy AMP3 – Access to protected Routes (which is not applicable in this case).

In assessment of this policy requirement, DfI Roads were consulted and have responded with no objections to the proposal subject to compliance with the attached RS1.

The agent was asked for an amended P1 form to identify that the proposal would require the creation of a new access onto Lough Road, and the originally submitted P1 stated that the proposed dwellings would use an existing access onto Lough Road. Roads were consulted upon this amended P1 and responded with no objections subject to compliance with RS1 at any subsequent RM stage.

Ecology

The roadside stretch of hedgerow along the front of the application site is to be removed in order to provide 2no accesses and visibility splays. A bio checklist was submitted which states that the roadside hedgerow is to be removed and replaced with native species hedging in its place. NIEA was consulted and responded with no objections.

Having assessed the proposal against the relevant planning policies and material considerations which apply to the application, it is determined that this proposal fails to comply with Policy CTY8 and CTY14 of PPS21 and therefore refusal is recommended.

Recommendation:

Refusal is recommended.

Reason for refusal:

1. The proposal is contrary to the SPPS and Policy CTY1 and CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the road frontage and would, if permitted, result in the creation of ribbon development along Lough Road.

Case officer:	J McMullan
Authorised by:	A.McAlarney
Date:	23/05/2022

Application LA07/2022/0074/O - Proposal: Infill site for 2 dwellings with domestic garages Between no 24 and 28 Lough Road, Crossgar Recommendation: **Refusal reason** - The proposal is contrary to the SPPS and Policy CTY1 and CTY8 and CTY14 of Planning PolicyStatement 21,

The main reason for refusal CTY 8 of PPS21, if the application complies with that policy, then all reasons for refusal are dealt with. We feel that the proposal does meet all parts of the policy CTY 8. The Planning Dept agree that there is a row of buildings and that they all front to the road. **Their contention is that the gap is too wide.** The comparison of the plot frontage is the most important stat when assessing the suitability of the application. We have included and expanded upon the table of statistics that was presented as part of the case officers report. The second column is the detail in the case officers report with an average plot width of 39.3m. We believe this figure is mathematically wrong and have adjusted it in column 3 where the average plot width is 42.8m. Futhermore, we have corrected the actual plot widths in the last column which change the average plot width to almost 45m. Given that the two proposed plot widths are 48m we believe that it does not represent a significant increase from the 46.5m at dwelling number 24. We believe that the plot width is not too wide but respects the pattern of development.

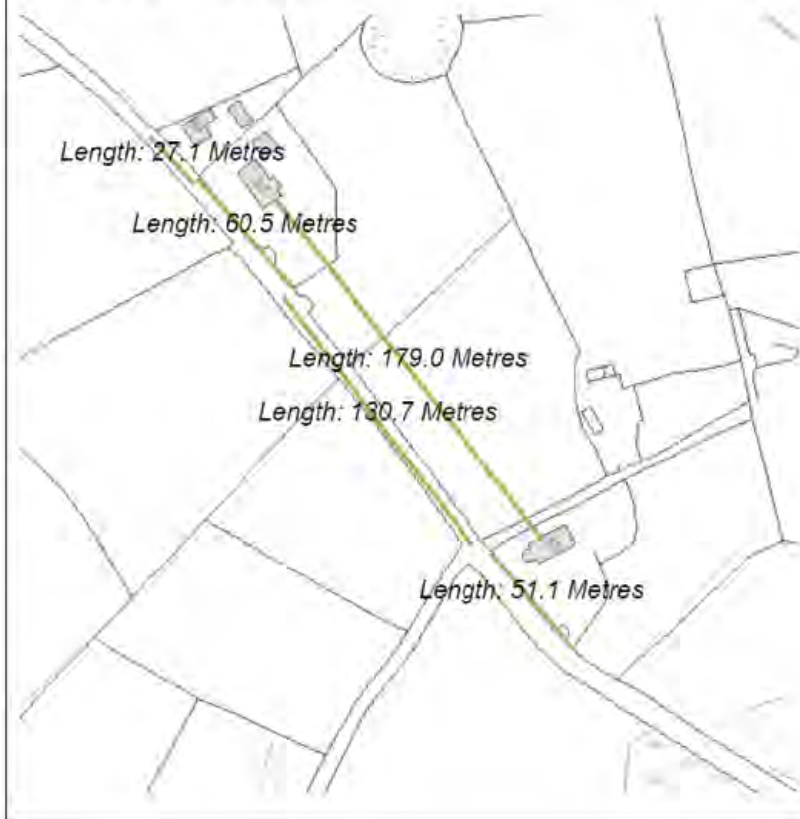
Site	Case Officer Plot width (m)	Case Officer Plot width (m) (5 plots)	Actual Plot Width and Avg
No 24	44	44	46.5
Application Site	96	48	48
Application Site		48	48
No 28	34	34	37
No 30	40	40	45
Avg	39.3	42.8	44.9

Mathematical analysis has been included in the Case Officers Report to back up the reasons for refusal. The distance between the buildings has been related to the site frontage. Dividing the distance between the buildings by the average plot width does not produce a meaningful stat. Mathematical statistics relating to the distance between the buildings cannot be compared with those from the site frontage; these are two completely separate mathematical comparators. The distance between the buildings is part of the analysis of the pattern of development, the spacings of the buildings in the row and how the proposal can fill the gap. In this case the 128m current distance between the buildings will be obviously reduced when the new dwellings are constructed. The analysis of the distance between the buildings must also be related to the width of the side gardens of the existing dwellings. The current side garden arrangement of the 3 existing dwellings in the row will be emulated by the two new dwellings and the row will present as one continuous row. The policy states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. Acceptance of this application as an infill opportunity deals with the refusal reference to CTY14. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. CTY14 specifies five situations where a new building will be unacceptable. One of these, criterion (d) is where a building creates or adds to a ribbon of development. This is specifically cross referenced to infill opportunities in Policy CTY8. As this proposal is an exception to Policy CTY8 as outlined above the proposal cannot fall foul of criterion (d) of CT14.



I would also like the Committee to judge this case from a point of view of **equality and fairness**. The figures speak for themselves in terms of comparisons between the cases and I feel my application is not being treated fairly.

LA07/2017/0270/O is an identical two dwelling infill on the Drumnaconagher Road (see image below). The distance between buildings on the application at the Drumnaconagher Road is 179m and was acceptable and approved. The current application has only approx. 128m between the buildings yet is being refused. The site frontage at Drumnaconagher Road is also slightly higher than the existing average frontage and was approved, this is exactly the same as the current application.





Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: LA07/2022/0541/O

Date Received: 31.03.2022

Proposal: The application is for outline planning permission for a dwelling and domestic garage.

Location: The application site is located approx. 36m SW of 78 Belfast Road Saintfield.





Site Characteristics & Area Characteristics:

The site is a roughly rectangular plot which is 0.3ha in size and is accessed off the main Belfast Road via the entrance and gates of No 76, which then continues as a laneway which is located between the curtilages of both no 76 and No 78 Belfast Road. The laneway gently rises in a east to west direction and the site is located on lands higher than both properties at No 76 and 78 and lies directly to the rear of their curtilages. The site is currently an agricultural field and is bounded by low well-maintained hedges along the west and southern boundaries. The remaining boundaries are shared with No 76, 78 and to the northside with No 80.



Site History:

No history on the site.

History in the immediate area.

LA07/2015/0265/D	55m North West of 21 Lessans Road, 3/Infill dwelling	PERMISSION GRANTED	25.05.2016
LA07/2017/1147/D	35m south east of 76 Belfast Road, 5x Infill dwelling & garage	APPLICATION WITHDRAWN	07.11.2017
LA07/2017/1536/PM	55m north west of 21, Lessans Road, 3/Infill dwelling	PERMISSION GRANTED	01.12.2017
LA07/2019/1370/F	55m NW of 21 Lessans Road, Saintfie/ Change of House Type from Approval LA07/2017/1536	PERMISSION GRANTED	22.11.2019
LA07/2020/1503/F	Adjacent to 76 Belfast Road, Saintfield/ New two storey dwelling in accordance with FPS21 CV	PERMISSION GRANTED	06.04.2021
LA07/2022/0541/D	Approx. 35m SW of 78 Belfast Road, 5 Dwelling and domestic garage	CONSULTATION(S) ISSUED	
LA07/2022/0603/F	Site Adjacent to 76 Belfast Road, Saint 2 Storey Dwelling and Detached Garage. Change of H	NEIGHBOURS NOTIFIED	
R/1975/0707	LESSANS, SAINTFIELD FARM DWELLING	PERMISSION REFUSED	
R/1903/0385	SAINTFIELD ROAD, LESSANS DWELLING	PERMISSION REFUSED	
R/1983/0659	BELFAST ROAD, LESSANS, SAINTFI BUNGALOW	PERMISSION REFUSED	
R/1984/0370	25 LESSANS ROAD, SAINTFIELD, NEW DOUBLE GARAGE AND CONVERSION OF EX	PERMISSION GRANTED	
R/1985/0499	NEAR 81 BELFAST ROAD, LESSANS 5 STABLES	PERMISSION GRANTED	
R/1986/0897	BELFAST ROAD, LESSANS, SAINTFI DWELLING	PERMISSION REFUSED	

Planning Policies & Material Considerations:

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

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 2a New Dwellings in Existing Clusters
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character
- Policy CTY 16 Development Relying on Non-Mains Sewerage
- Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking
- Ards and Down Area Plan (2015)

Supplementary planning guidance

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

DCAN 15 - Vehicular Access Standards

Consultations:

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form - These comments are on the basis that this is an exception to the PROTECTED ROUTES POLICY.

Objections & Representations

In line with statutory requirements neighbours have been notified on 20.04.2022. The application was advertised in the Down Recorder on 20.04.2022 (Expiry 04.05.2022). No objections or letters of support have been received in relation to the proposal.

Consideration and Assessment:

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

The SPSS states at Paragraph 3.8 that the "guiding principle for Planning Authorities in determining planning applications is that sustainable development should be permitted, having regard to the development Plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance".

The SPSS states that "provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside".

In relation to ribbon development the SPSS states that provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.

PPS 21

CTY 1 Development in the Countryside, assesses the need for this proposal within the rural area. The policy notes that there are 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. The agent specifically refers to this application being submitted as a cluster development under CTY2a.

Policy CTY2a - New dwellings in existing clusters

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

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

This policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all of its six criteria are met. A cluster of development is not defined by the Policy. The starting point is whether there is an existing cluster of development at the proposed site. The normal meaning of 'cluster' is a bunch or close grouping of something, and a judgement on this issue is also informed by the first three criteria which give an indication of its intended meaning. The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages) of which at least three are dwellings. The second criterion indicates that the cluster should appear as a visual entity in the local landscape. The third criterion indicates the cluster is to be associated with a focal point such as a social/community building/facility or is located at a crossroads.

When approaching the site from the south east there is a staggered crossroads with Lessons Road which runs west and to the east, crossing Belfast Road. While there are views of No 20 (to the west) along the Belfast Road, it is set back a significant distance (86m) from the Belfast Road with no frontage to the Belfast Road and is accessed off Lessons Road. Continuing along Lessons Road to the west, there is a ribbon of development along the NE side of Lessons Road which includes No 21 (having both frontage to Belfast Road and Lessons Road) continuing westwards, including Nos 23, 23A, 25, 25A and 27 Lessons Road. On the eastern side of Lessons Road, No 10 Lessons Road is separated from the Belfast road by an intervening agricultural field and has no frontage to the Belfast Road located some 75m from the Belfast Road.

Continuing along on the Belfast Road coming from the SE passing the staggered crossroads is No 21 on the LHS, there is a row of large conifer trees which separate No 21 from the large two storey dwelling directly adjacent. On this wider site is outline planning for two infill sites along this portion of the roadside one of which is built and one approved under (LA07/2020/1583/F) as infill development under CTY 8. There continues a linear line of ribbon of development (for approx. 365m on the LHS) including Nos 76, 78, 80, 82 and 82A further north westwards along the Belfast Road. On the opposite side of the road are dwellings 103, 107 and 109, of which both No 103 & 107 form part of another Council under Lisburn & Castlereagh City Council (LCCC).

The ordinary, meaning of 'cluster' is a bunch or a close grouping of something. In this case while the proposal would meet the first element in that the cluster of development lies outside of a farm and consists of four or more buildings, it does not meet parts two or three in that it does not appear as a visual entity in the landscape nor is it associated with a focal point such as a social / community building/facility, or is located at a cross-roads, given the configuration of the existing dwellings in the vicinity and the distance to the staggered crossroads at approx. 250m from the site. Instead the development pattern reads as an elongated, linear, ribbon of development of along Belfast Road and does not read as a visual entity in the local landscape.

One would expect development to be around the junction of the staggered crossroads, however, it is devoid of any built development on three sides of the crossroads. The application site is not bounded on at least 2 sides by other development in the cluster and therefore does not providing a suitable degree of enclosure within the cluster. Thus, as the development does not represent a cluster as envisaged by CTY2a and development of this site will not result in consolidation or rounding off, instead it will significantly alter the existing character and visually intrude into the open countryside. Thus the proposal also fails criterion 4 and 5. In terms of the final criteria with regard to residential amenity, and as this is only an outline application, a dwelling could be sited a sufficient distance from neighbouring properties to overcome any residential amenity issues. As the proposal fails 4 out of the 6 criteria it fails to comply with CTY2a.

Policy CTY 8 - Ribbon Development

In the interests of completeness the application has been assessed against CTY8 which 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 respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The starting point for the assessment of this application is to ensure there is a line of three buildings without accompanying development to the rear.

The site is accessed via an existing laneway which runs in between the curtilages of dwellings 76 and 78 Belfast Road. With only the access to the site converging with the road, with the entrance to the site being marked by a set of pillars and gates (No 76), there is, in fact, no existing gap. Policy CTY 8 is clearly aimed at gap sites and as such the proposal does not qualify. Accordingly, there is no gap or infill opportunity. As there is no gap within a substantial and continuously built up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the PAC) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.

As there are no overriding reasons why this development could not be located in a settlement the application is contrary to CTY 1 of PPS 21.

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 13 assesses the impact of this proposal will have on the rural area by reason of design, siting, integration and landscaping. Policy CTY 13 of PPS 21 requires that buildings be visually integrated into the surrounding landscape. The site slopes upwards from west to east beyond the building line of the majority of buildings along this stretch of ribbon development,

bar the existing shed to the rear of No 80. While views are limited to along the Belfast Road moving in a NW direction and notwithstanding the mature vegetation at the front of No 76's, garden which partially screens the site, as it is located on rising lands to the rear of both 76 and 78 and due to its relationship with these buildings, it would appear as prominent feature in the landscape and could therefore not be suitably integrated on the site.

CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. It has already been found that development of the site would visually intrude into the open countryside and would be considered a prominent feature in the landscape. The proposal would also add to the ribbon of development and would result in a suburban style of build-up that would further unacceptably erode the rural character of the area.

CTY 16 – Development relying on non mains sewerage

As this is an outline application it is deemed that there would be sufficient room within the land in red for a septic tank and soakaways.

PPS 3 – Access, Movement and Parking & Annex 1 of PPS 21

DFI Roads were consulted as part of the proposal and have no objections subject to the RS1 form at reserved matters stage of 2.4m x 160m being complied with and the access position to be via the existing access. The proposal complies with AMP 2 of PPS 3.

The A7 is a Protected Route, therefore the application must comply fully with the policy as identified in PPS 3 Policy AMP 3 - Access to protected Routes. Annex 1 of PPS 21 is a consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking – Other Protected Routes – Outside Settlement Limits.

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route. Given the above assessment the application could fall under category (d) Other categories of Development - whereby approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and 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.

Access cannot be reasonably be obtained from an adjacent minor road. The policy goes on to state that where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route. As the laneway converges with the access for No 76 and will use the same access point onto the Protected Route as No 76 this is deemed to be acceptable and would meet the protected routes policy.

Conclusion

Taking into account all material considerations and having considered the relevant policy, the proposal does not meet with the criteria as set out in CTY 1, CTY 2a, CTY 8, CTY 13 & CTY 14 and refusal is recommended.

Recommendation:

Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the cluster does not appear as a visual entity in the landscape, the cluster is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads, the identified site fails to provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster and therefore the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will therefore significantly alter its existing character, and visually intrude into the open countryside there are therefore 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 (SPPS) and Policies CTY8, CTY13 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling at the site, if permitted, would appear as a prominent feature in the landscape and would add to a ribbon of development, therefore resulting in a detrimental change to the rural character of the countryside.

Informative

This refusal relates to: site location plan:- A 5638

Case Officer	C Moane	Date	27/05/2022
Appointed Officer	A.McAlarney	Date	30 May 2022

Application Ref - LA07/2022/0541/O Proposal: Outline planning permission for a dwelling and domestic garage approx. 36m SW of 78 Belfast Road Saintfield Proposed decision (including reasons if the decision is refusal) –

Recommendation: Refusal reasons – 1 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY 2a - 2, The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY8, CTY13 and CTY14

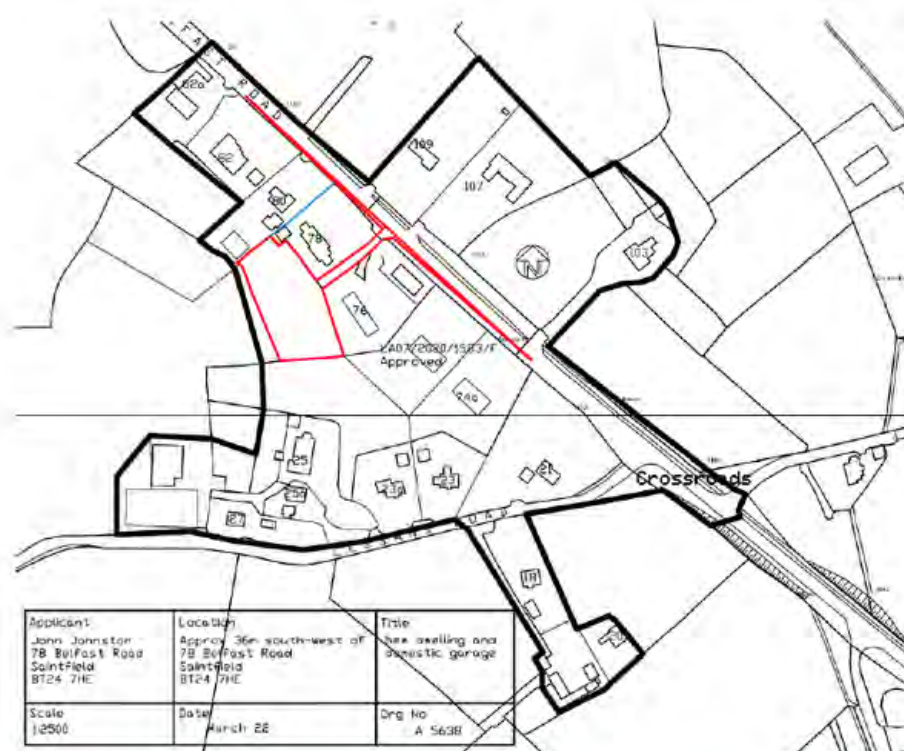
The main reason for refusal relates to Planning Section not accepting 4 of the 6 aspects of the cluster, whilst accepting the other two. Those accepted are that **(1)** there is a cluster of dwellings and that they do not form part of a farm and **(6)** development would not adversely impact on residential amenity.

First Stage - What is a cluster? Is this site in a Cluster?

1. A cluster is a group of 4 buildings together, 3 of which are dwellings – **This site complies - 12 dwellings in and around the proposal – 17 dwellings in total – Cluster accepted by Planning Section**
2. Is the cluster a visual entity? – If 4 of the buildings in the cluster can be seen at once then the cluster is a visual entity – **This site complies, see 5 dwellings in 1 photograph below.** There is no requirement in policy for all buildings in the cluster to be viewed at once or from any particular angle nor does it require a view that can see the entire cluster.



3. Is the cluster associated with a focal point – **Yes, this site is at a cluster that emanates from the crossroads, see map below.** Policy makes no reference to the need for the cluster to extend in any given direction from the crossroads nor does the cluster need to have any specific relationship to the crossroads short of being associated with the crossroads. There is therefore no requirement in the policy for development to extend on all or any more than one side of the crossroads.



This application represents a Cluster, A Visual Entity at a Focal Point

Second Stage - Is the Site Suitable?

4 Enclosed bound on two sides, the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster

The plot must be bound on two sides with other development. This requirement is clearly met with No 80 to the north and No's 76 and 78 to the east. The site is bound on all sides by existing hedges. Mature trees are present between the site and number 76 to the east.

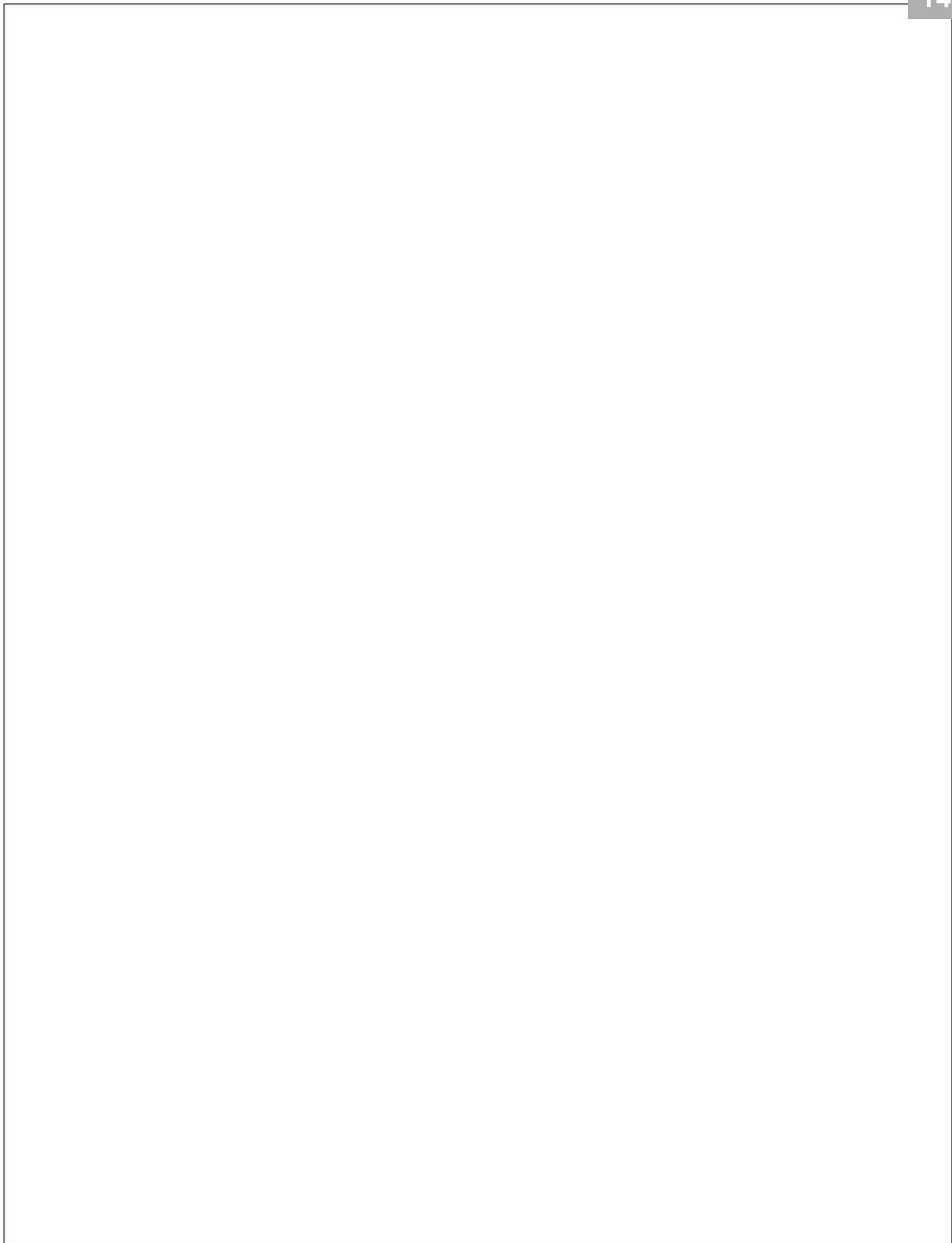
5 Rounding Off **Criterion (5) The development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not alter its existing character or visually intrude into the open countryside**

Regarding criterion 5 the plot is bound on two sides with other development. This requirement is clearly met with No 80 to the north and No's 76 and 78 to the east. This represents a rounding off and the new dwelling will be absorbed into the cluster and not have ill-effect on the character or visually intrude. The site will match the character already established in the area by the formation of the cluster.

6 Impact on residential amenity – Planning section satisfied with criterion 6

CTY13 – Integration and **CTY14 Change of Character**

If the application is accepted as compliant with CTY2a then CTY13 Visual Integration and CTY14 Change of Character will also be complied with. The new dwelling will be constructed at a similar level as other buildings in the cluster such as the shed to the rear of No 80 as well as all the buildings at 25, 25a, 27 and all associated buildings. The new proposal is bound on all sides by existing hedging and defined boundaries, and it has the hill behind as a backdrop. Due to the nature of the cluster the new dwelling will easily integrate and will fit in with the existing character of the cluster. The two sets of recent infill approvals – 23, 23a and 74 and 74a completed the cluster and fit in well in the same way as the new dwelling will. We request the Committee to approve this application.





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2021/1381/F

Date Received:

30.07.2021

Proposal:

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

Location:

Lands approximately 30m south of no. 59 Bavan Road
Drumgath
Mayobridge
Co. Down BT34 2HT

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).

The red line boundary is unusual in shape and comprises a gravelled piece of land adjacent a large shed. A mechanics business appears to be running from the shed. The shed was subject to an enforcement case - LA07/2021/0416/CA – which has since been closed. During the day of the site visit (27.09.2021), a number of vehicles and machinery were within the application site. The site abuts two properties to the north and south and agricultural land to the east. Access to the site is from the eastern side of Bavan Road. The site is at a higher level than the road but similar level to the adjacent dwellings north and south of the site. A low concrete wall runs along the northern boundary of the application site while the southern boundary is defined by a hedgerow. The rear boundary is defined by a post and wire fence.

The surrounding land use is predominantly agricultural with a number of detached roadside dwellings and farm holdings scattered throughout the area.



Aerial image of application site



Application site

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
- DCAN 15: Parking Requirements
- Building on Tradition

Site History:

LA07/2021/0416/CA - Lands Approx. 30m South 59 Bavan Road Mayobridge Down BT34 2HT - Alleged unauthorised mechanic's building – Enforcement case closed, 11.01.2022

P/1979/1326 – Drumgath Rathfriland – Erection of a bungalow – Permission granted (Now No. 59 Bavan Road)

Consultations:

DfI Roads – Latest response 17th February 2022 offered no objections subject to conditions

Water – Recommended approval

Rivers – No objections

Objections & Representations:

Neighbour notifications: 24.08.2021. Due to an amended scheme, neighbours were re-notified 11.04.2022.

Advertisement: 18.08.2021

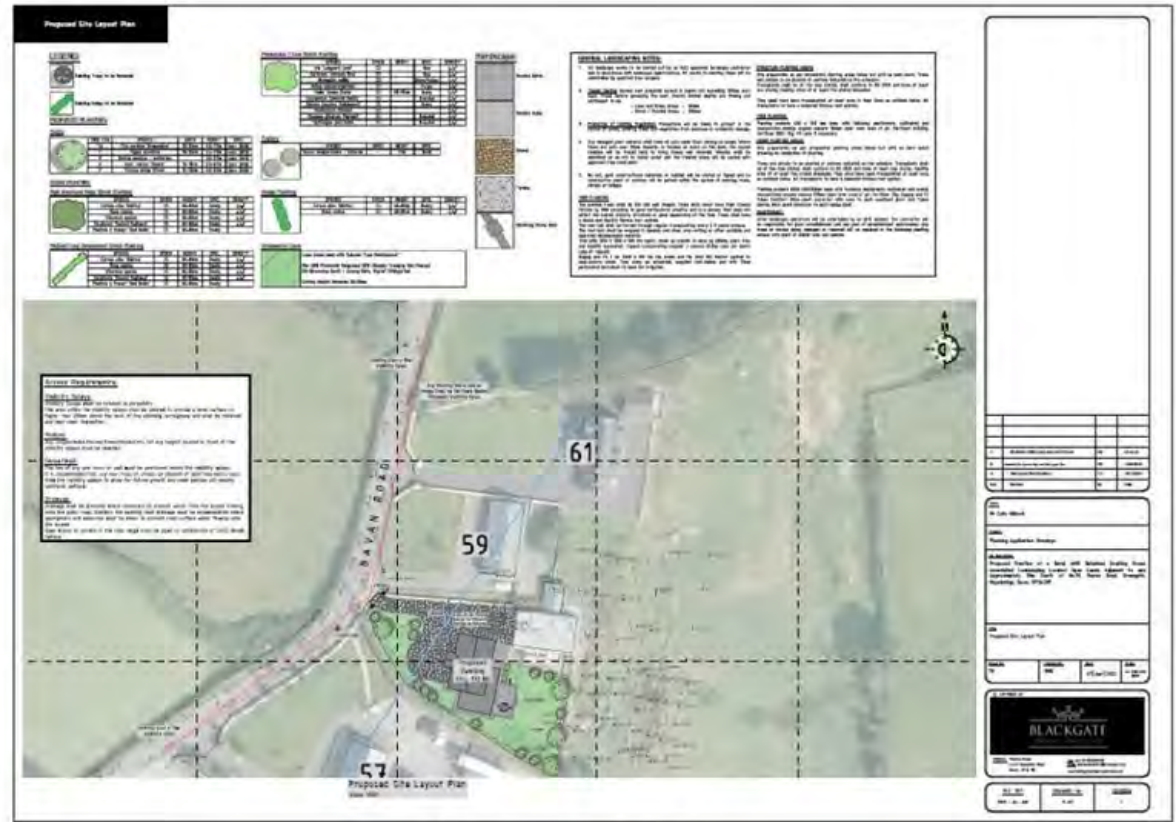
No representations or objections have been received to date (06.07.22).

AssessmentProposal

The proposal is a full application for the erection of 1 proposed infill dwelling on lands in between Nos. 59 and 57 Bavan Road, Mayobridge.

The proposed dwelling is 1 ½ storey in nature with a ridge height of 6.4m from FFL. There is a single storey flat roofed proposed on the side and rear of the proposed dwelling. The finishes include; smooth rendered plaster finish and granite stone finish where shown, blue black roof slates and aluminium standing seam roof covering, black/grey cast aluminium windows and black cast aluminium RWG. Access to the

dwelling is off Bavan Road. The dwelling is to be sited SW of the existing shed. Landscape planting is proposed along the site boundaries. The proposal is shown below.



Proposed site layout



Proposed elevations

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):

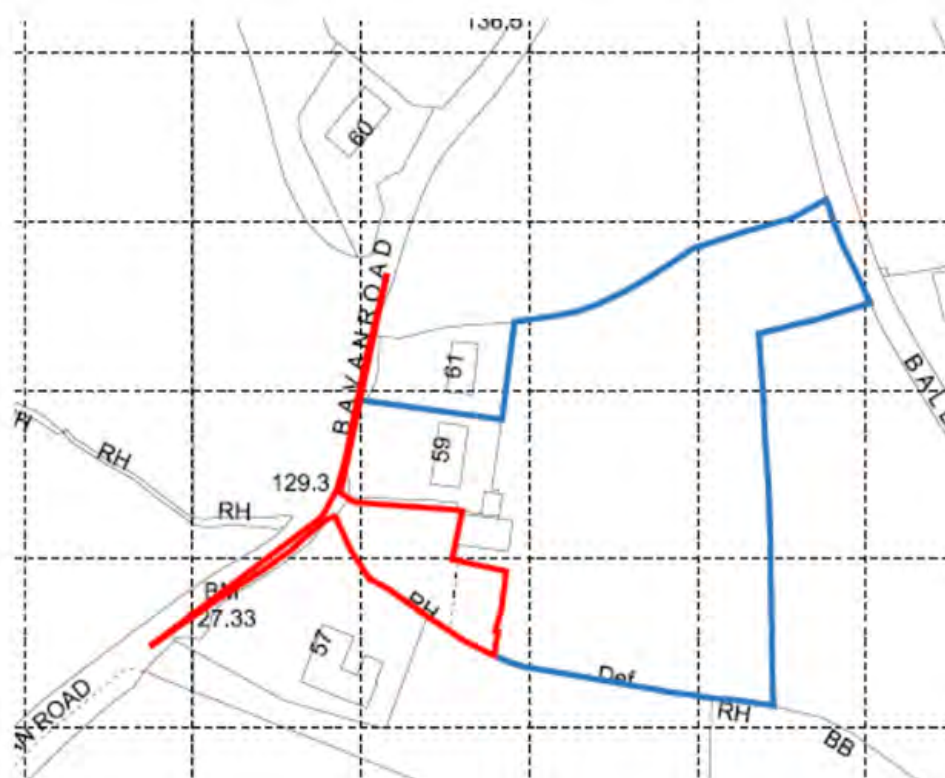
- a. Identify whether there is a substantial and continuously built up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning 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 Bavan Road in between Nos. 57 and 59 south and north of the site respectively. No. 57 south of the site has frontage to the road. North of the site, No. 59 also has frontage to the road. North of No. 59, No. 61 also has frontage to Bavan Road. As such, I am satisfied that there is a substantial and continuously built up frontage.

The next step is establishing whether there is a small gap site. The red line application boundary is shown below.



The red line boundary is irregular in shape as it does not include the existing shed on the plot. The view of the application site is from Bavan Road is shown below.



It is evident that there is an existing building on the site, and as such there is no gap site. The building has been excluded from the application site however this does not alter the fact that a building exists between Nos. 57 and 59 Bavan Road and on the site in question and there is no gap here to be developed. The red line boundary has been contrived to create a narrow "gap site" which, on ground, does not exist.

The Planning Department advised the agent of the concerns outlined above 24th March 2022 in that the Department considered the proposal contrary to Policy CTY 8 as the application site is not considered a gap site due to the presence of this building.

In response, amended drawings and a rebuttal were submitted 7th April 2022. Within the rebuttal, the agent advised that “the red line area of the gap site does not encapsulate the existing building.” The agent went on to advise that “the presence of the existing building does not exclude it from being classified as a building for the purposes of Policy CTY8.”

The siting of the proposed dwelling was repositioned further to the southern boundary. The amended siting is shown below.



Original site layout



Amended site layout

The rebuttal document stated, "we consider the proposed siting of the proposed new building to be upon what is classified as the gap site (i.e. an area between the existing buildings of No.57 and No. 59)".

However, as outlined above, there is an existing garage on the "gap site" classified by the agent above i.e "an area between the existing buildings of No.57 and No. 59"

The rebuttal document goes on to state that "the policy does not refer to the actual gap site having any development to the rear, the conjunctive assessment of the wording of the sentence refers to the policy definition of a substantial and built-up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear."

The Department query the relevance of this to this application as the Department are not disputing the built-up frontage. Although there is a continuous and built up frontage of 3 or more buildings along Bavan Road, the application site does not represent a small gap site as there is an existing building within the gap. The existing shed on site has frontage to this road and forms part of the continuous built up frontage.

The relationship of the shed and site is such that this represents accompanying development to the rear.

As outlined earlier, the agent advised that the red line application boundary does not include the existing building and questioned why the existing building was not being classified as a building for the purposes of Policy CTY 8. Notwithstanding the fact that the Department do not consider the application site to constitute a gap site for the purposes of CTY 8, consideration will be given to the agent's query.

This query is relevant to the third step to be undertaken for applications assessed under Policy CTY 8. This step determines whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size. A spatial view of the application site and adjacent development is shown below.



The agent also submitted 2 plot analysis drawings (original and amended) in support of the application.



Original plot analysis



Amended plot analysis

It is evident from the aerial image above and the plot analysis drawings submitted, that the development of the application site with a new dwelling would not respect the existing development in terms of plot size given the existing building on the lands.

On this basis, the proposal is considered contrary to Policies CTY 1 and CTY 8 of PPS 21 as the Department do not consider the application site to constitute a gap site as per Policy CTY 8 given the existing shed on the site. Moreover, the development of the application site with a new building would not respect the existing development in terms of plot size. As such, there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Para 4.4.0 of this document advises that new development under CTY 8 "will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character." The document goes on to advise that "a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon." The proposed dwelling would appear crammed into the site and it would appear at odds with the established pattern of development at this location. For the reasons given, it would not respect the existing development pattern along the frontage, so it cannot be considered a valid exception under Policy CTY8.

Although the principle of development on this site is not acceptable, the proposal is also subject to integration policies – CTY 13 and 14.

Policies CTY 13 and 14

Policy CTY 13 identifies seven cases where a new building in the countryside will be unacceptable for integration and design reasons:

The proposed dwelling given the 6.4m high ridge height and simple design and form would not be a prominent feature in the landscape. The site is very restricted which leads to other issues in terms of impact on character but in terms of prominence the proposed dwelling could be accommodated at the site. The site is bounded along the north and southern boundaries by a low concrete wall and a mature hedgerow. The rear boundary is defined by a post and wire fence. Proposed landscaping is part of the application and includes the planting of trees and a hedgerow to the rear of the site. It is considered that there are acceptable boundaries at the site so as to accommodate a dwelling. The site offers a suitable degree of enclosure for the building to integrate into the landscape. The site will not rely on planting or the use of new landscaping in order to integrate into the existing landscape. Ancillary works are

not considered to be detrimental to the landscape. The design of the building is considered acceptable and respects the single storey dwellings north and south of the site. The dwelling respects the design guidance outlined in Building on Tradition. There are 3 dwellings along this stretch of Bavan Road. As there is an existing building on the site at present, no gap existing. Given the cramped nature of the proposal, it is considered that a dwelling on the site will result in a suburban style build-up of development at this location when read with existing buildings. As mentioned above, the proposed dwelling would appear cramped into the site and it would appear at odds with the established pattern of development at this location and as such the proposal would not respect the traditional pattern of settlement exhibited in that area. As previously note, the application site sits between Nos. 57 and 59 Bavan Road. In between these two dwellings there is an existing shed. Therefore there is no gap site as the site is essentially already developed.

Impact on Amenity

The two closest neighbouring dwellings are Nos. 57 and 59 to the south and north respectively.

The proposed dwelling has a ridge height of 6.4m from FFL and is approx. 2m from the common boundary between No. 57. The relationship between the site and the neighbouring dwelling is shown below.



The common boundary is defined by a hedgerow as shown above. There are no upper floor windows looking towards No. 57 to the south therefore I have no concerns of unacceptable overlooking resulting from the new development.

The 3m distance between the proposed dwelling and the common boundary highlights the limited space and cramped nature of the proposal. This has been discussed in more detail above. Regardless of this, given the 6.4m high ridge height, strong mature boundary and distance between No. 57 and the common boundary, I am satisfied that there will be no loss of light or overshadowing to an unacceptable level caused by the new dwelling.

No. 59 is north of the proposed dwelling. There is a proposed separation distance of approx. 8m from the new dwelling and the common boundary. Again, no upper floor windows are proposed on the side elevation facing No. 59. Given this, I am satisfied that the proposed dwelling will not harm the amenity of the neighbouring dwelling to an unacceptable level.

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 subject to conditions.

Recommendation:

Refusal

Reasons for refusal:

1. The proposal fails to comply with the SPPS and Policies CTY 1 and CTY 8 of PPS 21 Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal fails to comply with the SPPS and Policy CTY 8 of PPS 21 Sustainable development in the countryside in that there is no gap site.
3. The proposal fails to comply with Policy CTY 8 of PPS 21 Sustainable development in the countryside in that there is accompanying development to the rear.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted not respect the traditional pattern of settlement exhibited in that area;

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Case Officer Signature: Eadaoin Farrell Date:06.07.2022
Appointed Officer Signature: M Keane Date: 18-07-22

Planning Reference : LA07/2021/1381/F

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Principle of Development:

- The development proposal is in keeping with Policy CYT8 of PPS21, in that the proposed site is featured within a substantial and continuously built-up frontage and respects the existing development pattern in terms of size, scale, siting and plot size.
- The proposal wholly complies with the SPPS and Policies CTY 1 and CTY 8 of PPS 21 as the applicant does not own any other lands within the local development zone of Mayobridge. On this basis, the development proposal is located within a line of three or more buildings, including No. 57 Bavan Road and existing outbuildings to the South of the proposal and Nos. 59 & 61 Bavan Road, all with existing outbuildings to the North of the application site, which clearly demonstrates that the proposal is suitable both for this rural location and is indeed an existing (infill) gap site, therefore meeting the relevant planning policy criteria of CTY 1 and CTY 8 and the criteria listed.
- The planning report notes that an enforcement case was opened regarding the existing agricultural building and associated hardstanding to the front, which abuts the red line of the proposed application site, however this has been subsequently closed on 11/01/2022 by the council. While the existing agricultural building and associated hard standing have no legal planning permission, they have been in situ for over 22 years and are considered immune from any possible enforcement action by NMDDC.
- The existing agricultural shed and hardstanding has long been associated with the adjoining property No. 59 Bavan Road. The planning report fails to note an alternative access is also available and served by and from the existing building via the agricultural access located on the Ballydoo Road. This access has served the agricultural building for over 22 years and is clearly visible in google earth images dated 22/05/2010 & 06/06/2016 respectively.
- This existing agricultural access and field to the rear, clearly serve the purpose of the existing agricultural building and the question for consideration by the Planning Committee is that if the Proposed Site in question is not considered to be a gap site and in the absence of certification, what is it to be considered as?
- There have been significant other Planning Precedents which have being granted by the Council's planning department and planning committee for other similar infill development proposals, whereby no consideration was given to the varying other (rear) development surrounding those application sites, especially similar to this application, within the same locale and council area. Two similar examples are as follows, LA07/2020/1541/O & LA07/2022/0782/F.

- **Integration, Design & Rural Character:**
- The proposal is located between existing developments and given the existing properties and layout of the road the proposed dwelling will not be visible when travelling along the public road and it would not be considered a prominent feature in the landscape. The existing development either side of the proposed site provides a suitable degree of enclosure, the proposal includes additional planting along the road frontage and other boundaries. However, it is not considered that the proposal relies primarily on the use of new landscaping for integration but as previously stated, existing developments and the layout of the public road allows the development to integrate successfully. The proposed dwelling is traditional in design and set back from the public road slightly behind the line of the existing development, which will further aid integration to the local surroundings and reduce views when travelling in either direction along the Bavan road. There is also adequate space for parking provision and amenity space within the development.
- The proposal complies with Policy CTY14 as it was earlier proven that the proposal meets the requirements of Policy CTY8 and is considered as an infill opportunity and will not result in ribbon development or suburban build up. Therefore, the development is not considered unduly prominent and will not cause a detrimental change to or further erode the rural character of the area.
- We therefore respectfully request that the planning committee consider and overturn the case officer's recommendation as the proposal fully conforms to Policy CTY8 as it is shown that there is in fact an existing gap site which features no development to the rear located along the Bavan road.
- Or perhaps, for a better understanding of this application site and to validate my points, why this application site should be reconsidered, a site visit by the elected representative's may be more appropriate.



Spatial NI Image – View of the Existing Access Arrangement

Planning Reference : LA07/2021/1381/F



Google Earth Image – Dated 22/05/2010 – View of Existing Access Arrangement.



Google Earth Image – 06/06/2016 - View of Existing Access Arrangement.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0121/O

Date received: 05.01.2022

Proposal: Farm Dwelling

Location: Lands approx. 30m South-West of 108a Longstone Road, Annalong



Area Characteristics & Site Characteristics:

The application site is located outside any settlement development limits as designated within Banbridge, Newry and Mourne Area Plan 2015. The site is located within an AONB. The application site is located on the edge of the Longstone Road and is currently used for agricultural purposes. The topography of the land is generally flat, with the Eastern boundary defined by a stone wall. The site bounds No.108A to the North-East, a dwelling associated with the farm holding. Beyond No.108A is the original farm dwelling and associated outbuildings.

Date of Site Visit: 16.03.2022

Site History:

P/2011/0955/RM- 50 metres Southwest of 108 Longstone Road Ballyveaghmore Annalong Co Down BT34 4XA- Proposed new dwelling and detached garage- Permission Granted 06.02.2012

P/2009/0380/O- 50m Southwest of no 108 Longstone Road Annalong- Site for farm workers dwelling & detached garage- Permission Granted 16.06.2009

P/2004/1838/O- 30 metres Southwest of No 108 Longstone Road, Moneydarragh, Annalong- 30 metres Southwest of No 108 Longstone Road, Moneydarragh, Annalong- Permission Refused 07.07.2005

Planning Policies and Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

PPS 2 Natural Heritage (July 2013)

PPS 3 Access, Movement and Parking

PPS 21- Sustainable Development in the Countryside

- CTY 1- Development in the Countryside
- CTY 10 - Dwellings on Farms
- CTY 13 - Integration and Design of Buildings in the Countryside
- CTY 14 - Rural Character
- CTY 16 - Development Relying on Non-Mains Sewerage

Building on Tradition, a Sustainable Design Guide for the Northern Ireland Countryside

Consultations:

DAERA - The Business ID number has been in existence for more than 30 years and subsidies have been claimed in 2016 and 2017.

NI Water- Generic response.

DfI Roads- No objections in principle to this proposal, subject to compliance with attached form RS1.

HED- Content.

Objections and Representations:

3 neighbours were notified of the proposal which expired 09.03.2022. The proposal was also advertised in local press which expired 23.02.2022. No objections or representations have been received date (12.05.2022).

Consideration and Assessment:

The proposed development is seeking outline planning permission for a farm dwelling and garage.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside settlement limits on the above plan in open countryside. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS21.

Supplementary guidance on the assessment of replacement dwellings is contained in Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 identifies a range of types of development which in principle are considered acceptable in the countryside. One of these is a Dwelling on a Farm in accordance with Policy CTY 10.

CTY 10

DAERA advised in a consultation response dated 03/03/2022 that the associated farm has been in existence for more than 6 years, the farm ID having been allocated in 1991. Their response also confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in 2016 and 2017.

In order to establish if the farm business is active and established, the agent submitted evidence consisting of:

- Herd Flock Number Confirmation from DAERA 2014
- Herd Book-Movement Documents 2015-2019
- Linden Food- Remittance Advice 2015-2019
- Invoices from Mourne Veterinary Clinic 2015-2021
- Invoices for miscellaneous items relating to farming activities 2015-2021

All evidence is available in hard copies in the casefile.

Following analysis of the evidence, and taking DAERA's response into consideration, the council determines the application meets the policy requirements of CTY (a).

A site history check was carried out on the lands submitted and shown on the farm maps. Confirmation was sought regarding the ownership of lands occupied by previous approval P/2011/0955/RM. The agent provided a Land Registry Folio listing Mrs Sinead Quinn and Mr Eamon Quinn as the registered owners of the lands, dated 25th January 2017.

Subsequently, DAERA were contacted seeking the named members on the provided Farm Business ID. DAERA confirmed the Business ID was registered to Edward Quinn and Eamon Quinn, with Eamon Quinn having joined the business on 2nd November 2021.

The agent was contacted regarding the Planning Departments concerns that a development opportunity had been sold off from the farm holding within 10 years of the date of this application. The agent responded stating that P/2011/0855/RM submitted 03.11.2011 had Certificate A signed, stating that Eamon was in actual possession of the land and that this indicated that the site was in Eamon's name over ten years ago.

P/2011/0855/RM was applied for under the same Farm Business ID as the current application for a dwelling on a farm. The dwelling was approved for that Farm Business and therefore was to remain in farm ownership for at least 10 years to ensure CTY 10 (b) was met for any subsequent application. The dwelling was registered under Eamon Quinn's name on 25th January 2017, who at that time was not a named member on the farm business. The Planning Department therefore judge this development opportunity to be sold off from the farm holding.

Appeal 2021/A0028 dated 18th February 2022 saw similar circumstances to this application. In this appeal case, Full planning permission (LA07/2018/0691F) was granted in August 2018 for a replacement dwelling in a field associated with a Farm Business ID. The site was transferred to the appellant in August 2018, who then joined the Farm Business in 2021. The commissioner states 'it must be the case that the replacement dwelling site was transferred from the farm holding to a family member who was not involved in the farm business associated with the farm holding. The recent addition of the appellant to the farm business does not overcome this. I therefore conclude that a development opportunity was disposed of from the farm holding within 10 years of the date of the application for planning permission. Accordingly, the appeal proposal fails to meet criterion (b) of Policy CTY10'.

The application site is located directly adjacent to, and Southwest of an existing farm dwelling granted approval under the same Farm Business ID (P/2009/0380/O and subsequent P/2011/0955/RM). Further Northeast is the original farm dwelling and group of farm outbuildings.

As this is an outline application, full details of the proposal have not been supplied. It is considered that with the appropriate siting and orientation of the proposal at the reserved matters stage, the development would appear visually linked with the existing farm dwellings and outbuildings. Access is to be achieved through an existing agricultural entrance and is deemed acceptable. It is therefore considered that the application meets CTY 10 (c).

CTY10 has therefore been met, however policy also states that CTY 13, 14 and 16 must be adhered to.

CTY 13

It is considered that a suitably designed dwelling would be acceptable on the land in question without appearing a prominent feature within the landscape. With the appropriate siting and orientation, it can be viewed as part of the existing cluster, with the existing farm dwelling and outbuildings providing a backdrop when travelling Northeast along Longstone Road.

The site benefits from a stone wall to its Eastern boundary and along the length of the roadside boundary. It is considered that the site is suitably enclosed from views along the public road. There is nothing to suggest that ancillary works would not integrate with the surroundings.

This application is for outline permission only, the design elements of the dwelling would be considered under a subsequent reserved matters application however it is considered that a building could be successfully accommodated on the site given the existing farm buildings provided.

It is therefore considered that the proposal meets CTY 13.

CTY 14

The proposed dwelling is not likely to lead to a suburban style build-up of development when viewed with existing farm buildings.

The proposed plot size is considered acceptable, respecting the surrounding pattern of development.

It is considered that while the proposal would lead to a degree of ribboning given that there would be three buildings in a row sharing a common frontage, the fact that the proposed farm dwelling would be sited to visually link and cluster with the existing farm holding will mean this degree of ribboning would be acceptable in this instance.

There is nothing to suggest that ancillary works would not integrate with the surroundings.

It is therefore considered that the proposal meets CTY 14.

CTY 16

Foul Sewage is proposed to be disposed of via a septic tank. Further details of this would be submitted at reserved matters stage and the necessary permission from NIEA Water Management Unit and NI Water are required. The proposal is therefore not contrary to CTY16.

PPS 2 Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6- requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality. As this is an outline application the design, size and scale of the proposal will be given full considered at the Reserve Matters stage.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DfI Roads were consulted and responded on 15.03.2022 with no objections to this proposal, subject to the access being constructed in accordance with Condition RS1. The proposal therefore meets this policy.

Conclusion:

The Planning Department, having assessed the application against the relevant planning policies and material considerations, consider the proposal fails on CTY 10 (b) and therefore recommend refusal.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in that a development opportunity out-with settlement limits has been sold off from the farm holding within 10 years of the date of the application.

Case officer: Gareth McShane
Authorised by: M Keane
Date: 12.05.2022



Reference	LA07/20212/0121/O
Location	108a Longstone Road
Proposal	Farm Dwelling

Response to Refusal Reasons

The Department have refused this application as they consider that a site has previously been sold off from the farm holding. However, this site was transferred to an active member of the farm holding (Eamon Quinn) so it is our assertion that the lands remain within the holding.

A farm dwelling was granted for Eamon Quinn in 2011 under reference P/2011/0855/RM. Eamon has worked on the farm for all of his life.

The above site (P/2011/0855/RM) was only formally registered to Eamon and his wife in 2017. The council consider that this was the date which the land was transferred out of the farm holding despite Eamon having worked on the farm continuously for all of his life – Eamon presently fulfils several important roles on the farm holding such as:

- Rearing of animals
- Maintenance around the farm
- Farming crops etc

We believe the Council are fixated on whether Eamon was a named member on the Farm Business ID in 2017, as opposed to a member of the farm holding- which he has been for all his life.

Contrary to the Planning Officers report, the policy does not require a dwelling or development opportunity to remain within the Farm Business ID in order to comply with Criteria (B)- only that the dwelling or development opportunity should remain within the farm holding.

This is reinforced in appeal decision **2019/A0084**: *"The headnote of Policy CTY10 is clear that **it is the farm holding and not the farm business ID** that forms the basis of assessment for whether any dwellings or development opportunities out-with settlement limits have been sold off within 10 years of the date of the application."*



Therefore the councils reliance on whether or not Eamon was a named member on the Farm Business ID at the time the site was transferred to him is misplaced. The relevant consideration is whether or not Eamon was a member of the farm holding.

It is our assertion that the site was not sold off or transferred out of the farm holding, as **Eamon was and always has been an active member of this holding.**

The case officer report provided justification for this view, through appeal decision **2021/A0028**. However, upon reviewing this decision, it should be noted the commissioner stated in “given the replacement dwelling was transferred to the appellant in August 2018 and I have no evidence to demonstrate that the appellant was involved in the farm business prior to joining in August 2021...”

The highlighted point suggest that if the commissioner had been furnished with evidence to demonstrate the appellant was involved in farming prior to becoming a formal member of the business, then this application would have been approved. **Also and more importantly**, this point also indicates that you don't need to be a named member of the farm business ID to be considered a member of the farm holding.

On this basis, we have provided evidence to demonstrate that Eamon was in fact a member of the farm holding prior to formally joining the business ID in 2021. This evidence includes:

- The P1 form 2011 which confirms that Eamon was involved in agriculture—see the screenshot from the P1 form on the screen.
- P1 form also confirms that Eamon was in actual possession of every part of the land with certificate A filled in- on the screen.
- Invoices dated 2018 that specifically mention Eamon purchasing goods for the farm business.
- A sworn affidavit from Eamon can be provided to confirm he was a member of the farm holding.

In summary, having considered relevant appeal precedent it can be concluded that an individual can be a member of the farm holding, even if that individual is not a named member on the farm business ID.

Therefore, the question to ask ourselves is this: **“Was Eamon a member of the farm holding in 2017 by working or carrying out farming activity on the farm?”**

If the answer to this is yes, then the current application complies with policy CTY 10 Criteria B as the site remained within the farm holding.

We believe we have submitted robust evidence to demonstrate that Eamon was a member of the farm holding. For these reasons, we respectfully request the Planning Committee to overturn the case officer recommendation and approve this application,



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1689/F **Date Received:** 22nd September 2021

Proposal: Demolition of eastern wing of the existing nursing home building and replacement with a new, purpose built nursing home building with ancillary laundry and plant building. Western wing of existing nursing home building to be retained for ancillary office and pottery use associated with the Mourne Grange care facility.

Location: Camphill Community Mourne Grange 169 Newry Road
Kilkeel BT34 4EX

Site Characteristics & Area Characteristics:

The application site is located approximately 1.5 miles from Kilkeel in a rural area close to settlement limits. The site is within a designated Area of Outstanding Natural Beauty (Mourne and Slieve Croob AONB) and the south-western boundary is adjacent to a Site of Local Nature Conservation Importance (SLNCI.) Publicly accessible off Newry Road (which is a Protected Route,) and with private access off Ballyardle Road, the site boundary incorporates c.23 hectares of land associated with an existing rural nursing care facility, which provides a home for adults with special needs who live and work together with co-workers and their families, with the existing facility comprising several buildings (including residential, staff related, agricultural and visitor coffee / gift shop,) a working farm, agricultural land, areas for recreation and associated car parking. The surrounding area is predominantly rural in character, with agricultural land and single dwellings present.



Above: Existing entrance from Newry Road

The building to be replaced comprises a dilapidated wing of the existing nursing home

building within the grounds which is no longer fit for purpose. A replacement building is proposed on undeveloped lands within the overall facility, with this part of the site largely screened from public view including mature landscaping around its boundaries. The building to be replaced comprises a dilapidated wing of the existing nursing home building within the grounds which is no longer fit for purpose. A replacement building is proposed on undeveloped lands within the overall facility, with this part of the site largely screened from public view including mature landscaping around its boundaries.



Existing building - wing to be demolished



Existing building – wing to be retained



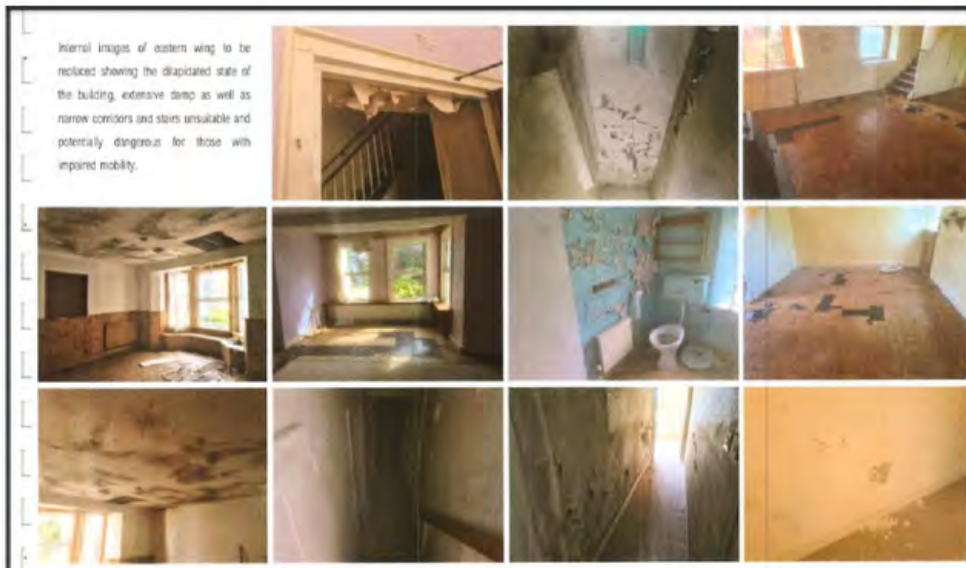
Original western wing of existing nursing home to be retained for ancillary uses

Eastern wing is a later addition and will be demolished and replaced by the proposed nursing home.



External images of Redem wing to be replaced





Above: Imagery from the Design and Access Statement detailing the existing building's condition.



Above: Context of application site and existing and proposed siting within the wider facility at Mourne Grange

Site History:

There is an extensive planning history on the application site relating to the facility at Mourne Grange and dating back to the 1970's, as outlined below:

LA07/2021/0659/PAN - Demolition of eastern wing of the existing nursing home building and replacement with a new, purpose built nursing home building, PAN Acceptable 04.05.2021

LA07/2020/1074/F - 2 No. Self-contained sheltered housing units for residents of Camphill Mourne Grange, Permission Granted 03.02.2021

LA07/2020/0260/NMC - Change of external staircase to be positioned on front elevation and made internal within single storey extension, NMC granted 11.06.2020

LA07/2019/1201/F - Conversion of loft to liveable space including 2nr bedrooms, kitchen and toilet. Creation of new external staircase and alteration of roof to create 3nr dormer windows and 2 nr roof lights. Change of use from class C1 to C3, Permission Granted 07.10.2019

LA07/2018/0526/F - Erection of 2 No. retirement dwelling houses, Permission Refused 26.06.2019

LA07/2015/0385/F - Proposed erection of 12kw of ground mounted photovoltaic panels, Permission Granted 24.08.2015

LA07/2015/0323/F - Proposed erection of 12kw of ground mounted photovoltaic panels, Permission Granted 24.08.2015

P/2010/0852/F - Proposed alteration improvements and extensions to existing bakery, laundry and school building, Permission Granted 31.08.2010

P/2009/1258/F - Proposed community graveyard, Permission Granted 20.05.2010

P/2008/0897/F - Change of house type and siting as previously approved under P/2007/0535/F, Permission Granted 05.09.2008

P/2007/0345/F - Improvements to existing entrances for Mourne Grange Village Community. 2 No. entrances entering a single contiguous site, Permission Granted 08.06.2007

P/2007/0535/F - Erection of one-and-a-half-storey dwelling, Permission Granted 13.06.2008

P/2005/2213/F - Erection of health and therapy building, Permission Granted 05.05.2006

P/2005/0066/F - Erection of Extension to Shop and Provision of Stair Lift, Permission Granted 23.03.2005

P/2005/0644/F - Erection of conservatory, Permission Granted 16.05.2005

P/2000/0136/F - Erection of single storey dwelling, Permission Granted 24.10.2002

P/1999/1417/F - Erection of 15 person residential unit, Permission Granted 02.11.1999

P/1999/1802/F - Extension to existing Kindergarten building, Permission Granted 10.04.2000

P/1998/0301 - Extension to shed to provide staff area, greenhouse and Stores, Permission Granted 07.05.1998

P/1997/0864 - Conversion of garage to living accommodation with Extension, Permission Granted 03.09.1997

P/1995/1343 - Erection of 2 residential units, Permission Granted 23.01.1996

P/1994/1426 - Extension to tea shop, Permission Granted 09.02.1995

P/1994/0136 - Erection of administration building, Permission Granted 01.06.1994

P/1993/1183 - Erection of No1 temporary residential unit, Permission Granted 15.12.1993

P/1992/0473 - Relocation of access, Application Withdrawn 07.08.1992

P/1990/0376 - Site for community bakery, application withdrawn 28.08.1990

P/1989/1109 - Erection of dwelling for use as Residential Unit, Permission Granted 02.11.1989

P/1989/0736 - Alterations and extension to existing residential units, Permission Granted 09.08.1989

P/1988/0811 - Extension to dwelling, Permission Granted 14.08.1988

P/1988/0855 - Site for dwelling, Permission Granted 08.08.1988

P/1987/6016 - Site for caretakers house and community hall Mourne Grange Community Rostrevor Road Kilkeel, Permission Granted 01.06.1987

P/1987/6015 - Site for Community House Mourne Grange Community Rostrevor Road Kilkeel, Permission Granted 03.08.1987

P/1985/0776 - PROPOSED COMMUNITY HALL, Permission Granted 30.09.1985

P/1985/0444 - CARPENTRY WORKSHOP, Permission Granted 27.06.1985

P/1984/0481 - CARPENTRY WORKSHOP, Permission Granted 05.07.1984

P/1982/0607 - PROPOSED ERECTION OF WORKSHOP, Permission Granted

19.10.1982

P/1981/0502 - ERECTION OF TWO SEMI-DETACHED DWELLINGS, Permission Granted 14.07.1983

P/1980/0138 - EXTENSION TO EXISTING WORKSHOP, Permission Granted 10.03.1980

P/1980/0870 - PROPOSED CONSTRUCTION OF SUBSTATION PUMPING STATION, Permission Granted 20.10.1980

P/1979/1309 - PROPOSED ERECTION OF GIFT SHOP, Permission Granted 17.09.1980

P/1979/1094 - PROPOSED REPLACEMENT POTTERY, Permission Granted 13.11.1979

P/1979/0836 - PROPOSED SITE FOR EXTENSION TO MOURNE GRANGE VILLAGE COMMUNITY, Permission Granted 09.10.1979

P/1976/0909 - PROPOSED ALTERATIONS TO EXISTING COACH HOUSE, Permission Granted 19.01.1977

Planning Policies & Material Considerations:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP 2015)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS15 – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- DCAN9 – Residential and Nursing Homes
- DCAN10 (Revised) – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- Building on Tradition Sustainable Design Guide
- DOE Parking Standards

Consultations:

- Loughs Agency (21/12/2021) – Environmental Guidance provided
- NI Water (22/12/2021, 07/06/2022) – Recommended refusal initially. Amended drawings acceptable, with approval now recommended with standard conditions.
- DfI Rivers Agency (04/01/2022) – No objections to PPS15 (Revised) requirements, subject to conditions;
- NIE (13/01/2022) – No objections, guidance provided.
- Environmental Health (19/01/2022) – No objections in principle, subject to conditions
- DfI Roads (23/02/2022) – No objections, subject to conditions
- DAERA (14/03/2022, 29/06/2022) – Natural Heritage no concerns, subject to

conditions / informatives. Water Management Unit advised the proposal has the potential to adversely affect the surface water environment. Following amendments in relation to sewage treatment proposals, WMU are now content with the proposal, subject to conditions.

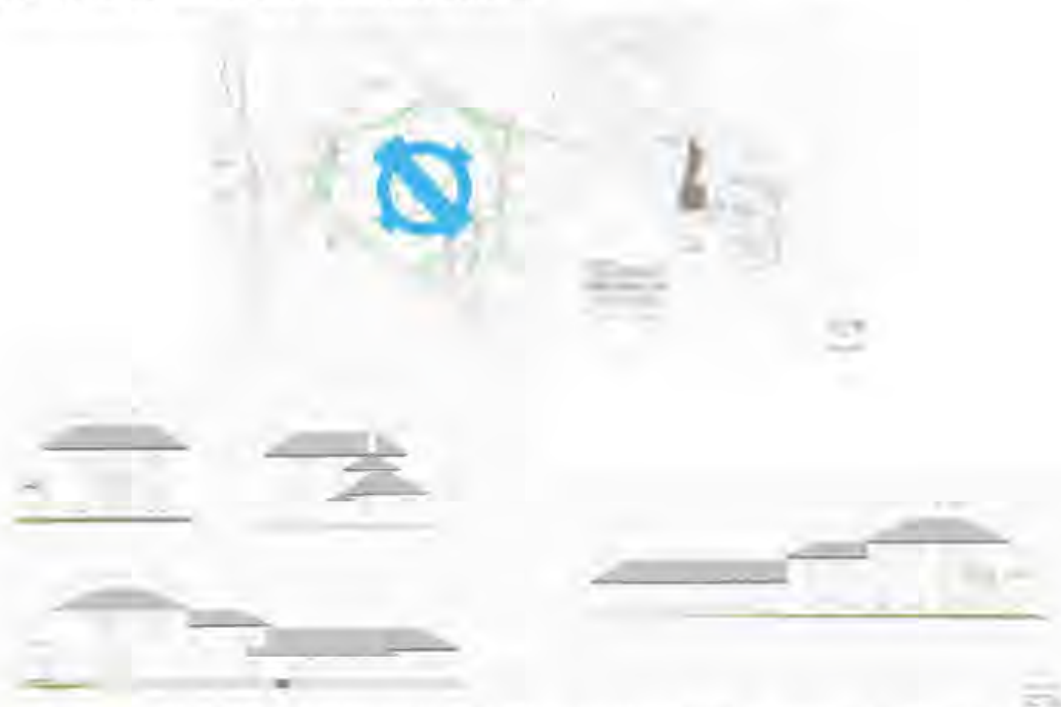
- Shared Environmental Services (07/06/2022) – No objections

Objections & Representations:

- Application advertised 13th October 2021, statutory publication expiry date 27th October 2021;
- 11 no. notification letters were issued to relevant neighbouring properties 9th December 2021, statutory expiry 23rd December 2021
- 3 no. Neighbour notification letters have been returned by Royal Mail as 'address inaccessible' from No's 171, 174 and 177 Newry Road;
- No third-party representations (including objections, letters of support) have been received at the time of writing (August 2022.)

Consideration and Assessment:

The proposal is for an (off site) replacement building within the grounds of an existing nursing home facility, to provide a purpose built facility, to include ancillary laundry and plant building. The remaining part of the existing building which is in better condition is to be retained for ancillary office and pottery use. Proposed layout and elevational drawings (of both the existing building to be partly demolished and the proposed building) are included below:



Above: Elevations of the existing building as proposed following partial demolition



Above: Proposed new building elevations

PROPOSED NURSING HOME DESIGN





Above: Visual impressions of proposed building (extracted from Design and Access Statement)

The main issues to be considered in this assessment are; the principle of the development under rural policy, the effect on the setting of listed buildings and historic monuments / archaeology, the impact on protected sites and habitats, design and integration, impacts on residential amenity, road safety considerations and sewerage, flood and drainage implications.

The RDS 2025 seeks to promote development which improves the health and well-being of rural communities. 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, which identifies the site as being in a rural area (outside settlement limits) and within the Mournes and Slieve Croob AONB. The potential impact on the AONB is considered below under PPS2 policy requirements.

In addition, part of the application site boundary (south western corner) adjoins a designated Site of Local Nature Conservation Importance (SLNCI,) identified as 158 – Mourne Park incorporating White Water River and Cranfield Moraine on Map No 3/01 of The Plan. Policy CVN1 of Vol. 1 of BNMAP 2015 directs that in assessing proposals on or adjacent to a SLNCI, priority will be given to the protection of their intrinsic nature conservation interest. In this case, the proposed works are significantly removed from the SLNCI and there are no existing watercourses that would hydrologically connect the development to the designated SLNCI. These details are considered further below under PPS2, but on the basis of information available for consideration, the proposal would have no conceivable effects on the adjacent SLNCI and is considered acceptable to Policy CVN1 and Plan requirements in this regard.

As there is no significant change to the policy requirements for non-residential rural development following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, whilst the remaining considerations will be assessed in accordance with the prevailing policy

requirements as outlined above.

PRINCIPLE OF DEVELOPMENT – PPS21 (Sustainable Development in the Countryside)

The principle of development of proposals in rural areas must first be assessed against PPS21 – Sustainable Development in the Countryside and the further advice set out in DCAN9 (Residential and Nursing Homes) for rural development is also relevant. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes a necessary community facility to serve the local rural population. The wing of the building to be replaced arguably does not hold any architectural merits in terms of listing nor does it make an important contribution to the heritage, appearance or character to the locality and its demolition would be considered acceptable. It is accepted that the relocation of the nursing home to within the settlement limit would be at odds with the operations of the established facility and how it functions and this would not be feasible. The application relates to an established rural community facility and in essence seeks to reconfigure the facility. A condition will be necessary to ensure that the operations within the facility are solely used in connection with Mourne Grange to ensure they are utilised as part of the established community facility and are not used in connection with a commercial business or nursing home. Conditional to these requirements being met, the proposal in principle is considered acceptable to Policy CTY1, with the remaining relevant requirements of PPS21 to be met. The design and integration policies of PPS21 (CTY8, CTY13 and CTY14) are therefore also considered below:

Policy CTY13 – Integration and Design of Buildings in the Countryside

Under Policy CTY13, 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, with criteria a-g expanding on the specific policy requirements to be met. The site for the proposed new building is relatively low lying and benefits from significant mature screening and is set back from both Ballyardle and Newry Roads, currently not visible from critical views off either road. In addition, it is set behind a cluster of existing buildings associated with the established facility, including roadside farm buildings along Ballyardle Road. The proposed building is 6.1m high (maximum) and the design incorporates a grass sloping roof with metal grey eaves. The scheme includes the provision of new landscaping around the entirety of the boundary in the form of Birch and Ash trees and native species hedgerow, which will further enhance the existing belt of landscape screening and help integrate the new building into the site. Ancillary works include a new access of the internal laneway access already existing (utilising the access point off Ballyardle Road) and the provision of car parking. Given the positioning of these works, they would not be obtrusive in the landscape. On the basis of detailing provided, the building would not appear as a prominent feature in the landscape and the design has been carefully thought through for the site and locality including established facility. In summary, the proposal is acceptable to CTY13 requirements.

CTY14 – Rural Character and CTY8 – Ribbon Development

Under Policy CTY14, a building in the countryside will be permitted where it does not cause a detrimental change to, or further erode the rural character of the area, with criteria a)-e) expanding on the specific policy requirements. For reasons considered above, the new building and ancillary works will not appear prominent in the landscape and arguably will be unobtrusive given the site's positioning, existing characteristics

and the proposed building scale / design and overall detailing within the scheme. The site of the proposed new building sits centrally within the established facility and buildings and as such, would consolidate the existing cluster of buildings in this part of the facility, sympathetically blending into the surrounding settlement pattern. The new building would not create or add to a ribbon of development in this regard and does not raise any concerns in relation to Policy CTY8 or criteria d) of CTY14. On the basis of information provided, the proposal is also considered acceptable to the requirements of Policies CTY8 and CTY14 of PPS21.

NATURAL HERITAGE – PPS2, EIA (DCAN10,) HRA

The proposal does not fall within the thresholds set out under Schedules 1 or 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore an EIA determination is not required.

The potential impact of this proposal on European designated Sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites) has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In terms of European Designated Sites, the proposal is in proximity to Carlingford Lough SPA and Ramsar, however is not hydrologically linked to these European sites (with a 30m separation distance from an existing watercourse) and would not likely have a significant effect on the features of any European site. DAERA's Natural Environment Division advises that provided appropriate pollution prevention measures are implemented during construction, the proposal is unlikely to have a significant impact on any Nationally Designated Sites (including Carlingford Lough and White Water River ASSIs) owing to the distance between the proposal site and these designated sites. As considered above, the proposed works are also significantly removed from the adjacent SLNCI and are unlikely to have any conceivable impact on this locally designated site. The proposal does not raise any concerns therefore under Policies NH1, NH3 or NH4 of PPS2.

Several Ecological reports have been submitted as part of this application, including a Biodiversity Checklist, Preliminary Ecological Appraisal and Surveys which note the presence of priority habitat, breeding birds and a protected species on the site. DAERA's Natural Environment Division have considered the ecological information submitted and has also assessed the impact on protected habitats and species (Policies NH2 and NH5 PPS2) and have no concerns in relation to natural heritage, subject to conditions, as detailed at the end of this report.

PPS2 Policy NH6 deals with the requirements for Areas of Outstanding Natural Beauty (AONB's,) with specific criteria to be met set out under criteria a) – c.) The design has been sympathetically thought out for the rural and AONB context, giving consideration to the use of appropriate scale, form, massing, detailing and finishes (including grass roof, grey aluminium windows and doors and use of wood cladding / natural stone to walls.) The overall proposal is considered to respect the special character of the AONB and is acceptable to the requirements of Policy NH6.

ACCESS, ROAD SAFETY, PARKING – PPS3, DCAN15

The proposal seeks to use and alter the existing access off Ballyardle Road (which currently serves as a secondary aspect to Mourne Grange) and a detailed Transport

Assessment Form has been provided, outlining the relevant access, parking and travel impacts from the proposal. DfI Roads have no objections to the proposed access arrangements against PPS3 / DCAN15 requirements, subject to conditions as detailed further below. In terms of parking, the proposed building offers 36 bedrooms in lieu of the current building which has 24, with the layout including parking provision to facilitate cars, bicycle, medical and service vehicle parking to serve the development (17 spaces, including 2 disabled bays) and one ambulance bay space. The parking is positioned in close proximity to the proposed building and pedestrian movement to the new building and existing wider facility has been accommodated by way of pedestrian footways. DOE Parking Standards sets out that 18 non-operational parking spaces and 1 operational parking space (ambulance / delivery or service vehicle) spaces are required to service the proposed development. Secure bicycle parking has also been incorporated into the layout, with 10 no. spaces provided. The wider facility is well served by Public Transport, with bus services operating off Newry Road which are within walking distance. The proposed parking provision is considered acceptable to the requirements of AMP1, AMP7, AMP9, AMP10 and DOE Parking Standards and in the context of the overall scheme at Mourne Grange.

SERVICES, DRAINAGE, FLOOD RISK, SEWERAGE – PPS15 (Revised,) PPS21 (CTY16)

NIE offer no objection to the proposal with relevant guidance provided.

The proposal seeks to use mains water supply and discharge surface water to the local watercourse. NI Water raised no concerns in relation to either matters, confirming there is an available public water main to serve the proposal. DfI Rivers Agency correspondence (dated 27th August 2021) has also been provided confirming their consent to discharge to the undesignated watercourse (which is valid for 24 months) however it is noted that further consent may also be necessary from NIEA.

Policy CTY16 of PPS21 deals with development relying on non-mains sewers. The proposal as originally submitted sought to utilise NI Water mains sewers to dispose of foul sewers, however NIW advised that there is no public foul sewer available to serve the development and as such, recommended refusal on this basis. DAERA's Water Management Unit also noted that the proposal has the potential to adversely affect the surface water environment given concerns with the existing sewage network. To address this issue, the proposal has subsequently been amended to include the provision of a private treatment plant, with discharge into the nearby watercourse, removing the requirement for NIW sewage infrastructure. These amended details are shown on an additional layout drawing which shows the pathway for discharge into the nearby watercourse. Having reviewed the amendments, NIW have recommended the proposal is approved and Environmental Health have raised no concerns in relation to the proposed treatment plant. Subject to the necessary consents being obtained (which will be necessary to condition,) the proposed sewage details are acceptable to CTY16 requirements.

In relation to drainage, a detailed Drainage Assessment has been provided, which has been appraised by DfI Rivers Agency in relation to PPS15 (Revised) requirements. DfI Rivers Agency are content with the proposed drainage measures under FLD3, conditional to a final drainage assessment being provided as the drainage design provided is preliminary. This will be dealt with through negative condition to ensure the

requirements of PPS15 are dealt with prior to the commencement of any development hereby approved.

Subject to the necessary conditions being met, the proposal (as amended) is acceptable to CTY16 and PPS15 (revised) policy requirements.

IMPACT ON RESIDENTIAL AMENITY

There are several single dwellings in the wider vicinity of the site; Environmental Health advise that the proposal has the potential to generate noise pollution (including from the laundry and plant room) from noise generating equipment and request that all such equipment is suitably enclosed / screened to prevent a noise nuisance to any neighbouring properties and residents of the facility. Environmental Health has raised no concerns in relation to the proposed treatment plant.

No third party objections or representations have been received in relation to residential amenity.

LAND CONTAMINATION

There are no known contaminants on the site. Environmental Health attach conditions in the event that any contamination is discovered during site works, which will be dealt with by planning condition – in the interest of public health.

ARCHAEOLOGY / HISTORIC ENVIRONMENT – PPS6 (Planning, Archaeology and the Built Heritage)

There is an existing chapel building in close proximity to the building to be partly demolished, which has been de-listed. The proposal will not have an impact on any listed buildings or structures. Whilst there are archaeological sites in the wider vicinity of the site, these are significantly removed from the proposed development and it will not have any impact on any known designated archaeological sites or features.

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:
 - 1 - Location Plan (date stamped 22 Sept 2021)
 - 3 Rev B - Site Layout Proposed (date stamped 14 April 2022)
 - 4 - Ground Floor (date stamped 22 Sept 2021)
 - 5 - External Elevations (date stamped 22 Sept 2021)
 - 6 - Internal Elevations (date stamped 22 Sept 2021)
 - 7 - Laundry / Plant Room (date stamped 22 Sept 2021)
 - 10 - Proposed Ground and First Floor Plans (date stamped 22 Sept 2021)

- 12 - Proposed Elevations (date stamped 22 Sept 2021)
- 13 - Site Layout Proposed 1:1000 (dated 14 April 2022)

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

3. The vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. 3 Rev B (Site Layout Proposed, date stamp received 14 April 2022) prior to the commencement of any other development hereby approved. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. The development hereby approved shall be used only by Camphill Community Mourne Grange and shall not be sold off or leased from the remainder of the site.

Reason: To prevent the creation of a separate planning unit on the site.

6. Prior to the commencement of any of the development hereby approved, a final drainage assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition and containing a detailed drainage network design including details on how the storm sewer system shall be maintained as per the manufacturer's guidelines in perpetuity shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in strict accordance with the approved details.

Reason: To safeguard against flood risk to the development elsewhere.

7. Prior to commencement of the development hereby approved, the method of sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

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

8. All surface water run-off during the construction shall be directed away from the

watercourse present adjacent to the south-western boundary of the application site boundary as indicated in red on Drawing No 1 (Location Plan, date stamped 22 Sept 2021)

Reason: To protect the White Water River ASSI and the Carlingford Lough SPA, RAMSAR, and ASSI.

9. Storm drainage of the site, during the construction phase, shall be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015).

Reason: To protect the White Water River ASSI and the Carlingford Lough SPA, RAMSAR, and ASSI.

10. None of the works hereby approved shall be carried out on the building to be demolished until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing. An appropriate mitigation plan/strategy shall be submitted in support of a licence application, and the licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

11. No development activity shall take place until a Bat Mitigation Plan (BMP) has been submitted to and approved in writing by the Planning Authority. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise agreed in writing by the Planning Authority. The BMP shall include the following:
 - a. a. Details of the provision of alternative roosting locations for bats, including the number, model, specifications and location (including height and aspect) of bat boxes; this shall include bat boxes recommended in the Bat survey, date stamped 22/09/21, and the additional the 4 woodcrete basic bat boxes recommended by NED.
 - b. b. Details of the methodology and timing of works and the implementation of mitigation measures;
 - c. c. Details of any lighting proposed for the exterior of the site;
 - d. d. Details of updated bat surveys prior to any demolition works commencing and the development of any additional mitigation measures should bats be found; e. Details of the appointment of a suitably qualified and experienced bat ecologist to oversee all works and the implementation of mitigation measures.

Reason: To mitigate for impacts on bats using the site.

12. No vegetation clearance, removal of hedgerows or demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

13. All hard and soft landscape works shall be carried out in accordance with Drawing No. 3 Rev B (Site Layout Proposed, date stamp received 14 April 2022) and the appropriate British Standard or other recognised Codes of Practise. The approved landscape works shall be carried out in accordance with condition 12 and during the first available planting season following completion of the development hereby approved.

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

14. 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.

15. If during the development works, any unforeseen ground contamination is encountered, works shall cease, and the Local Planning Authority shall be notified immediately and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures required shall be submitted in writing to the local planning authority for appraisal in consultation with Environmental Health.

Reason: In the interest of public health.

Case Officer Signature: O. Rooney

Date: 05/08/2022

Appointed Officer Signature: P. Manley

Date: 05.08.22



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1554/LBC

Date Received: 06.09.2021

Proposal: Replacement of selected existing windows (original building)

Location: Dan Rice Hall, Drumaness Road, Drumaness



Site Characteristics and Area Characteristics:

The application site lies within the settlement of Drumaness and comprise the Council owned Dan Rice Hall, a Grade B1 Listed Building which is of special architectural and historic interest as set out and protected under Section 80 of The Planning Act (NI) 2011.



Planning History

LA07/2018/1402/LBC	Dan Rice Memorial Hall, Drumanness	Internal alterations	PERMISSION GRANTED	11.01.2019
R/2006/0625/F	Dan Rice Memorial Hall, Drumanness	R/ Alterations and 2 storey extension to existing community	PERMISSION GRANTED	09.02.2007
R/2006/0642/LB	Dan Rice Memorial Hall, Drumanness	R/ Alterations and 2 storey extension	PERMISSION GRANTED	06.02.2007

Planning Policies and Material Considerations:

In assessment of the proposal consideration has been given to the SPPS, Ards and Down Area Plan 2015, Planning Policy Statements 6 in addition to any other material consideration.

Consultations:

In assessment of the proposal it was considered necessary to carry out consultation with Historic Environment Division (HED). After initially seeking further clarification on some window details, HED have responded with no objections subject to conditions.

HED (Historic Buildings) has reconsidered the application on the basis of additional information uploaded to the NIPP on 23/6/2022. The current drawings match those received by e-mail directly from the agent on 1/6/2022 and therefore previous advice of that same date, which is based on these drawings, remains pertinent, i.e. the proposal satisfies the policy requirements of SPPS para 6.12 & 6.13 & PPS6 BH8 & BH11, subject to conditions. Please refer to HED's response dated 1/6/2022 for requested conditions.

Objections & Representations:

The application was advertised in the local press which expired 16.10.21.

To date there have been no objections in relation to the proposed development and one letter of support received.

Consideration and Assessment:

The proposal seeks Listed Building Consent the replacement of a selection of the windows on Dan Rice Hall.

SPPS

Paragraph 6.13 of the SPPS states that development involving alteration to a listed building may be permitted, particularly where this will secure the ongoing viability and upkeep of the building.

These proposed alterations are being sought to improve the overall appearance of the building and to make good some of the damp/damaged window fixings. As part of the window replacement, it is proposed to use the opportunity to insert a DPC into the original windows to prevent damp and further decay.

PPS 6

Policy BH 8 – Extension or Alteration of a Listed Building

Proposals for the extension or alteration of a listed building will only be granted consent where all the following criteria are met:

- (A) The essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired
- (B) The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building; and

(C) The architectural details (e.g. doors gutters, windows) match or are in keeping with the building

In assessment of the above, HED has considered the impacts of the proposal on the listed building and on the basis of the information provided, advises that it is content. The proposed replacement windows on the original body of the Dan Rice Hall will all appear the same which is an improvement upon the current state which features a mismatch of numerous window styles. The windows would be timber framed windows painted white and would mirror the original windows in the buildings. HED are satisfied that the proposed windows would be satisfactory replacements and the features of architectural merit would remain intact and unimpaired. The use of timber window frames and the details on the frames would be in keeping with the building and furthermore the removal of the mismatched numerous window styles would improve the overall character and appearance of the building.

As such the impact of the overall proposal on the significance of the listed building is negligible. The proposal satisfies the requirements of SPPS para 6.12 and PPS6 policies BH7 & BH8, subject to conditions.

HED, Historic Buildings, considers the proposal acceptable.

Recommendation:

Consent is recommended

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:
 - DDC094-G-1-10
 - 22006(P-)01 - Existing Ground Floor Plan - A3
 - 22006(P-)02 - Existing First Floor Plan - A3
 - 22006(P-)03 - Existing Front Elevation - A3
 - 22006(P-)04 - Existing Side Elevation 1 - A3
 - 22006(P-)05 - Existing Side Elevation 2 - A3
 - 22006(P-)06 - Existing Rear Elevation - A3
 - 22006(P-)07A - W - G01 Proposed - A4
 - 22006(P-)08A - W - G02 Proposed - A4
 - 22006(P-)09A - W - G03-04 Proposed - A4
 - 22006(P-)10B - W - G13 Proposed - A4
 - 22006(P-)11B - W - G14 Proposed - A4
 - 22006(P-)12A - W - S01 Proposed - A4
 - 22006(P-)13A - W - S02 Proposed - A4
 - 22006(P-)14A - W - S03 Proposed - A4
 - 22006(P-)15A - W - S04 Proposed - A4
 - 22006(P-)16A - W - F01 as Surveyed - A4
 - 22006(P-)17A - W - F02 Proposed - A4

- 22006(P-)18A - W - F03 Proposed - A4
- 22006(P-)19B - W - F04 Proposed - A4
- 22006(P-)20B - W - F05 Proposed - A4
- 22006(P-)21A - W - F06 Proposed - A4
- 22006(P-)22B - G13 & G14 Proposed Elevation & Sections - A3

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

3. The final coat of paint to all external joinery shall be brush-applied on site (i.e. not factory finished).

Reason: In line with BH8 & BH11 in order that the essential character of the building is retained, its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the building.

4. No window shall be fitted with visible trickle ventilator strips.

Reason: In line with BH8 & BH11 in order that the essential character of the building is retained, its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the building.

5. Any scaffolding fixings shall be only to mortar joints, through open windows or discreet non-invasive locations.

Reason: In line with BH8 & BH11 in order that the essential character of the building is retained, its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the building.

6. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.

Reason: In line with BH8 & BH11 in order that the essential character of the building is retained, its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the building.

Informatives

Additional information/advice (e.g. on legislation, guidance, contacts, etc.) for planning officer and applicant's awareness:

Guidance

1. Guidance on making changes to Listed Buildings: Making a better application for listed building consent - <https://www.communitiesni.gov.uk/publications/guidance-making-changes-listed-buildings-making-betterapplication-listed-building-consent>
2. Technical Notes - <https://www.communities-ni.gov.uk/articles/repair-andmaintenance-guidance>
3. British Standard - BS 7913:2013 Guide to the conservation of historic buildings

Case officer: Jane McMullan
Authorised by: A. McAlarney
Date: 20 July 2022



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0073/A

Date Received: 16 November 2021 (Valid on 22 December 2021)

Proposal: Advertising consent is sought for the following:
15 new way-finding directional signs to be erected / existing replaced in Newry city centre core to include 14 finger directional poles and 1 totem pole with maps, 6 existing finger directional sign posts to be removed and 1 existing sign post to be lowered.

Location: The application site is located within the Newry City Core Area.

Site Characteristics & Area Characteristics:

The application site comprises several streets within Newry City Centre (as outlined below in more detail), the primary retail core, areas of primary retail frontage, Newry Conservation Area and an Area of Archaeological Potential. The scheme is in close proximity to a number of Listed Buildings: Russian Trophy, Bank Parade (Grade B2), HB16/28/018A- Armagh Down Bridge (Grade B+), HB16/28/018B - Town Hall, Bank Parade (Grade B1), HB16/28/037A - 6 Marcus Square (Grade B2), HB16/28/037B - 7 Marcus Square (Grade B2), HB16/30/011 - First Non- Subscribing Presbyterian Church and John Mitchell Place (Grade B+).

The following fifteen locations are the proposed sites where signage is to be sited / removed (see drawings 001, 002a and 003a).

1. 5m north of the junction of High Street and Abbeyway
2. Adjacent to the underground tunnel at High Street
3. Adjacent to the entrance of Lower Water Street Car Park
4. Adjacent to the junction of Mill Street and John Mitchell Place
5. Adjacent to St Mary's Church John Mitchell Place
6. Adjacent to Fisher Park at Buttercrane Quay
7. Opposite 87 at Bridge Street (KFC)
8. Adjacent to the junction of Mill Street and Mary Street
9. Located adjacent to the Bus Station Entrance at The Mall
10. Adjacent to 58 Hill Street (Danske Bank)
11. Adjacent to Newry Town Hall

12. Adjacent to the junction of Lower Water Street and the pedestrianised area at Marcus Square
13. Adjacent to the entrance of Buttercrane Shopping Centre at the junction of Buttercrane Quay and Francis Street
14. Adjacent to Dunnes Car Park at the junction of Monaghan Street and the Old Creamery Retail Park
15. 10m south of 12 Margaret Square

Site History:

The following table lists the relevant planning history across the fifteen sites within the red line of this application.

Reference	Proposal	Location	Decision	Date
P/2012/0502/F	Erection of A New BT Street Cabinet to Facilitate Provision of a New Fibre Optic Infrastructure Across BT Network. Cabinet Dimensions Approx. 1300 High, 800mm Wide And 450mm Deep^	At Back of Footway on Kildare Street Newry Just Past Town Hall, Bt34 1dq,	Permission Granted	25.09.2012
LA07/2019/0161/F	Public Realm Improvement Scheme to Include Upgrading Of Paving And Kerbing Of Existing Street Pedestrian Footpaths, New Street Lighting Scheme, Street Furniture, And All Associated Works Including New Pedestrian Path In St. Colman's Park.	Hill Street, O'Hagan Street, Mill Street, Bridge Street, John Mitchel Place and St Colman's Park, Newry.	Permission Granted	17.10.2019
LA07/2019/1579/A	2 No. Wall Mounted Signs And 2 No. Steel Frame Supported Shop Signs	Unit 1 Buttercrane Shopping Centre, Buttercrane Quay, Newry, BT35 8hj,	Permission Granted	09.12.2019
P/1992/0498	Erection Of 2no Freestanding 48 Sheet Advertising Panels	25 Bridge Street Newry	Permission Granted	30.11.1992

Reference	Proposal	Location	Decision	Date
P/2004/2207/F	Retention of A Granite Structure to Celebrate And Acknowledge Banjo Bannon Climbing Mount Everest	Erection of Granite Structure on Footpath at Kildare Street, Newry	Permission Granted	07.01.2005
P/2014/0338/F	Environmental Improvements to Include Resurfacing of Footpaths in Natural Stone, New Street Lighting, Tree Planting, Street Furniture And Metal Work Entrance Arch.	Lands at Hill Street (Between O'Hagan Street and Kildare Street), Margaret Street and Marcus Street, Newry.,	Permission Granted	04.08.2014
P/2013/0099/F	Extension and Resurfacing of Footpaths in Natural Stone, New Street Lighting, Tree Planting and Street Furniture	Merchants Quay, Buttercrane Quay, Newry,	Permission Granted	22.05.2013
P/1997/4062	Kiosk Type Sub-Station	The Mall, Newry	Permission Granted	06.08.1997
P/2006/0998/F	Erection of Environmental Improvement Scheme to Include Resurfacing and Extension of Footpaths Incorporating New Street Furniture, Lighting Upgrade And Associated Works^	Buttercrane Quay, Newry	Permission Granted	11.04.2007
P/2007/0403/F	Erection of Public Safety CCTV Cameras On 8 Metre Poles.	Various Locations Around the City Centre	Permission Granted	06.07.2007
P/1990/1122	Erection Of 2no Freestanding "Totem" Signs	12F Monaghan Street & Junction of Cornmarket & Merchants Quay Newry	Permission Granted	12.01.1991
P/1997/4070	Kiosk Type Substation	Buttercrane Centre Newry	Permission Granted	18.09.1997
P/2005/0094/A	1 No. 48 Sheet Freestanding Prismatic Advertising Board	21 - 23 Bridge Street, Newry, Bt35 8ae	Permission Granted	30.06.2005

Reference	Proposal	Location	Decision	Date
P/2011/0886/F	Removal of All Existing Surfaces to The Streets and Footpath, Street, Furniture and Street Lighting and Replacing Same with New Finishes, Furniture And Lighting Columns	Monaghan Street and Hill Street, Newry,	Permission Granted	19.12.2011
P/2011/0884/DC A	Removal of Road and Footpath Surface, Street Furniture and Street Lighting and Replacing with New Surface Finishes, Street Furniture and Lighting.	Monaghan Street and Hill Street, Newry, Bt34 And Bt35,	Permission Granted	19.12.2011

Planning Policies & Material Considerations:

- The Regional Development Strategy (RDS) 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 17 Control of Outdoor Advertisements
- Living Places Urban Stewardship and Design Guide
- Newry Conservation Area (DOE NI) 1992

Consultations:

HED	Content subject to conditions
Roads	Content
Rivers	Content

Objections & Representations:

Neighbour notification and advertisement of the application were not required as per the legislation set out in the Planning Control of Advertisements Regulations NI 2015.

Consideration and Assessment:

Proposal

Wayfinder signs are proposed at the following fourteen locations (see drawings 006-013 and 015 - 019):

1. 5m north of the junction of High Street and Abbeyway
2. Adjacent to the underground tunnel at High Street
3. Adjacent to the entrance of Lower Water Street Car Park

4. Adjacent to the junction of Mill Street and John Mitchel Place
5. Adjacent to St Mary's Church John Mitchell Place
6. Adjacent to Fisher Park at Buttercrane Quay
7. Opposite 87 at Bridge Street (KFC)
8. Adjacent to the junction of Mill Street and Mary Street
10. Adjacent to 58 Hill Street (Danske Bank)
11. Adjacent to Newry Town Hall
12. Adjacent to the junction of Lower Water Street and the pedestrianised area at Marcus Square
13. Adjacent to the entrance of Buttercrane Shopping Centre at the junction of Buttercrane Quay and Francis Street
14. Adjacent to Dunnes Car Park at the junction of Monaghan Street and the Old Creamery Retail Park
15. 10m south of 12 Margaret Square

Wayfinder signs are stainless steel poles which measure 3.2m above ground level with mounted aluminium blades measuring 100mm X 800mm. The signage has a burgundy background with grey text. Signage is not illuminated.

1 totem sign is to be located adjacent to the Bus Station Entrance at The Mall (see drawing 014). The totem sign measures 3.2m above ground level with mounted aluminium blades measuring 100mm X 800mm and a Perspex mounted map of Newry City Centre measuring 900mm wide x 1800mm long. The signage has a burgundy background with grey text. Signage is not illuminated.

Existing directional signage is to be removed from the following five locations:

1. Abbeyway adjacent to the underground tunnel entrance (Labelled No.9 on Drawing 002a)
2. Adjacent to the underground tunnel entrance at William Street (Labelled No.10 on Drawing 002a)
3. Adjacent to No. 2 Sugar Island (Labelled No.12 on Drawing 002a)
4. Adjacent to the Town Hall / Arts Centre (Labelled No.14 on Drawing 002a)
5. Adjacent to the car park at Abbeyway (Labelled No.15 on Drawing 002a)

The main issues to be considered are the effect of the proposal on amenity, public safety, the character of the Newry Conservation Area and the effect of the proposed signage near listed buildings particularly at locations four (Adjacent to the junction of Mill Street and John Mitchel Place), eleven (Adjacent to Newry Town Hall) and ten (Adjacent to 58 Hill Street).

Banbridge/ Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure.
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

I consider the proposal accords with the two objectives above. There are no additional policies in the adopted Area Plan that are relevant to the determination of the application and it will be assessed against regional operational policies.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS aims to ensure that advertisements do not prejudice amenity or public safety, having regard to the specific circumstances of each proposal. This is in line with the approach adopted in the retained policy AD1 of PPS17. Paragraph 6.59 of the SPPS states that care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

The proposed signage replaces the existing black metal wayfinder signage at each location with the exception of locations 9,10, 12, 14 and 15, where the existing signage is to be removed and will not be replaced. This will avoid proliferation of signage in these areas and rationalise the number of signs and street furniture in across the city centre.

The proposed signage is not illuminated, which is acceptable. HED in their consultation response have stated the proposal complies with para 6.12 of the SPPS and Policy BH 11 of PPS6. Furthermore, paragraph 6.18 of the SPPS states that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not exist. It is acknowledged that the existing black metal wayfinder signage is a more appropriate traditional material however however I do not consider the proposed design and materials will represent a greater demonstrable negative impact on the setting of Newry Conservation Area.

There are no public safety or road safety issues associated with this proposal and DFI Roads have returned a consultation response of no objection.

PPS 6 Planning, Archaeology and the Built Heritage

Policy BH13 states that the Department will not normally grant consent for the display of advertisements in or close to a conservation area which would adversely

affect the character, appearance or setting of the area or which would be detrimental to public safety. As discussed above it is considered the proposal will not have any greater demonstrable negative impact on the setting of Newry Conservation Area.

Recommendation: Approval

Conditions:

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans:001, 002a, 003a, 04, 05, 006 – 019.
Reason: To define the planning permission and for the avoidance of doubt.

3. New wayfinder posts in locations 4, 11 and 15 shall be a maximum of 3200mm above ground level.
Reason: To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

4. All disturbed surface in locations 4, 11 and 15 shall be reinstated to match the existing surface.
Reason: To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

<p>Case Officer Signature: Clare McCoy</p>
<p>Date: 10 August 2022</p>
<p>Authorised Officer Signature: M Keane</p>
<p>Date: 10-08-22</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0666/F

Date Received: 14.04.2022

Proposal: New Play Park

Location: 93m South of St Mochais GAC, 119 Manse Road, Crossgar



Location Map Scale: 1/2500

Site Characteristics & Area Characteristics:

The site is located outside the development limits of Darragh Cross as designated by the Ards and Down Area Plan 2015. There are no other zonings or designations affecting the site. The site is within a small part of Darragh Cross GAC. The surrounding grounds comprise a football pitch, a perimeter walking trail, clubrooms, and a car park. The site is accessed via the Manse Road. The surrounding area is predominantly rural in character; however, the built-up settlement of Darragh Cross is visible from the site.

Site History:

R/1983/0014- MANSE ROAD, CROSSGAR- PLAYING FIELD AND CAR PARK- PERMISSION GRANTED

R/1996/0231- ADJ 117 MANSE ROAD CROSSGAR- Proposed sports facility complex -(including changing facilities, meeting area and sports hall)- PERMISSION GRANTED

R/2008/1006- Playing Fields at Darragh Cross- Development of a natural playing surface for training purposes and playing of competitive games- PRE-APPLICATION ENQUIRY - NON-COMMITTAL

LA07/2018/0459/F- Darragh Cross GAC, 119 Manse Road, Raffrey, Crossgar- Installation of concrete footpath around perimeter of playing area & renewal of perimeter fence- PERMISSION GRANTED

LA07/2021/1932/F- 119 Manse Road, Crossgar- Construction of a ball wall- PERMISSION GRANTED

Planning Policies & Material Considerations:

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

- Strategic Planning Policy Statement (SPPS)
- Ards and Down Area Plan 2015
- Planning Policy Statement 8- Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 21- Sustainable Development in the Countryside

Consultations:

Consultee	Summary of Comments
Environmental Health- Newry, Mourne and Down District Council	Content

Objections & Representations:

This application was advertised in the local press on 11.05.2022. There were no neighbour notifications issued for this application, and one letter of support has been received.

Consideration and Assessment:**Ards and Down Area Plan 2015**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Ards and

Down Area Plan 2015 as the new council has not yet adopted a local development plan.

The site is located outside the settlement limits of Darragh Cross in the above Plan. 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 policies of PPS 8 and PPS 21.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for outdoor sport developments following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS 8 and PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS21- Sustainable Development in the Countryside

Policy CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for non- residential development in the countryside in the case of outdoor sport and recreational uses in accordance with PPS8.



Planning Policy Statement 8- Open Space, Sport and Outdoor Recreation

The use of the site for playing fields is well established. Policy OS1 states that 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. An exception will be permitted where it is clearly shown that the redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

The proposal seeks to create a play park within the grounds of the existing GAA Club. The proposal will be located on an area of gravel currently used for parking. The proposal will not cause any demonstrable loss of existing open space and is considered to be in accordance with Policy OS1.

Policy OS3 of PPS8 relates to outdoor recreation in the countryside. Policy OS3 allows for the development of proposals for outdoor recreational use 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.

There is no persuasive evidence that the proposal would lead to any adverse impacts on wildlife habitat, designated sites, listed buildings or archaeological sites and monuments.

- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities.

The site is within the confines of an established GAA Club. The site cannot be defined as the best and most versatile land and there is no evidence that the proposal would have an 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.

The proposed works involve the creation of a play park on a site measuring 625 sq. m which will be enclosed by metal perimeter fencing measuring approximately 1.2m high which will be painted dark green and galvanised. The site is located approximately 20m off the Manse Road and 50m from the existing clubrooms. Proposed equipment includes 19 various items of equipment such as a steel cableway, a wheelchair accessible roundabout, a wheelchair accessible 8-person see-saw, a swing, and seating benches. The ground surface will be resin-bound rubber mulch safety surfacing. Overall, it is considered the proposal will not have an adverse impact on the visual amenity, or the character of the local landscape.

- (iv) there is no unacceptable impact on the amenities of people living nearby.

Case officers are content the proposal will not cause any unacceptable impact on the amenities of neighbouring dwellings in the surrounding vicinity and beyond.

- (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;

Given its location and the established existing use of the site, it is considered compatible. Access and parking arrangements will remain unchanged.

- (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.

Case officers are content that all proposed works will be 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

The proposed works take will be accessible for disabled persons. The onus is on the applicant to ensure that proposal complies with any disability legislation.

- (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.

It is considered that the proposal can safely accommodate any increase in visitor numbers and there are no concerns with regard to access, parking, drainage and waste disposal.

Recommendation: Approval

Conditions

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

Reason: 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 Nos. DC-01 and Playground Data Sheet dated 14 April 2022.

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

Informative:

1. The drawings to which this decision relates are Nos. DC-01 and Playground Data sheet.

Case officer: Ryan Gallagher

Authorised by: A.McAlarney

Date: 22 July 2022



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0668/F

Date Received: 26/04/2022

Proposal: Play park

Location: 7 Rann Road, Downpatrick



Site Characteristics & Area Characteristics:

The application site is a small portion of flat grassy land within the grounds of Teconnaught GAC which lies between the playing field and the carpark. The land also sits immediately to the rear of a dwelling - No. 9 Rann Road.

Site History:

LA07/2015/0410/F	100m West of 5 Rann Road, Annacloy	Demolition of existing club and temporary accommodati	PERMISSION GRANTED	24.03.2016
R/2010/0406/F	100 metres west of 5 Rann Road Anne	Proposed extension to existing sports pavilion to include	PERMISSION GRANTED	02.05.2014
R/2005/1184/F	Adjacent to 5 Rann Road, Annacloy, D	Retrospective temporary permission for social club.	PERMISSION GRANTED	05.07.2007

Planning Policies & Material Considerations:

This application is assessed against the Ards And Down Area Plan 2015, the SPPS, Rural Strategy for NI and PPS 8.

Consultations:

Environmental Health – no objection

DFI Roads – no objection

HED – no objection

Objections & Representations:

Neighbour notification of the proposal expired on 02/06/2022. It was further advertised in the local press on 25/05/2022. No objections or representations have been received at the time of writing.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Ards and Down Area Plan 2015. The application site is located in the countryside outside the settlement of Teconnaught. It is located within the established Teconnaught GAC.

The proposal involves the construction of a playpark on an area that is currently rough gravel hardstanding, directly to the rear of the dwelling at No. 9 Rann Road.





The playpark will be 15m by 34m and will be surrounded by dwarf wall kerbing. It would contain a cableway, swings, roundabout, swinging chairs, a see saw and climbing frames along with benches for seating. The spec for the equipment has been provided under a series of data sheets; J512, J493, J2409, J3851-C, J870, J867, J987, J381082, J2411 and J3410. The playground would be accessed via an opening in the existing carpark wall fitted



with a self-closing gate and would have a new concrete path to the new play area.

Policy OS 1 Protection of Open Space

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.

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.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

(i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or

(ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

The proposal involves the loss of a small area of hardstand within the exiting GAC grounds. Loss is justified given the proposal is for a playpark for the GAC users. EHO have advised no impact on residential amenity of neighbouring property.

The proposal accords with the criteria set out in Policy ECU 1: Education, Health, Community and Cultural uses. The plan states unforeseen demand for new community facilities may arise over the lifetime of the plan and accordingly a flexible approach is required in considering such development in order to make the most effective use of existing facilities. Given that the playpark is to be located on an unused piece of land at the existing GAC, it is considered to be an effective use of existing facilities.

The planning office is satisfied there is a demand for the development and the need has been identified by the Council. The proposal will not impact the number of car parking spaces for Teconnaught GAC gives its position, nor harmfully impact upon any trees or landscape features as it would be set on an existing area of hardstanding. The playpark will sit directly to the rear of no. 9 however it is noted that no objection has been received, and it is not considered that a playpark would be any more disruptive than the existing football pitch. Furthermore, the gates of the GAC will be closed when not in use to ensure there is no antisocial/un-supervised behaviour to disturb residents. A dense, 3m high evergreen hedge would remain in place between the dwelling at no. 9 and the playpark to help mitigate any potential amenity issues. When balanced against the potential for loss of open greenspace at an alternative location, the proposal is considered to have an overall wider community benefit for Teconnaught and it is of a suitable location for this type of community activity scheme proposed.

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 plan: TGAC-01 and the following data sheets setting out the spec for the playground equipment: J512, J493, J2409, J3851-C, J870, J867, J987, J381082, J2411 and J3410 – all uploaded under LA07/2022/0668/F.

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

3. The existing hedgerow as indicated on drawing ref TGAC-01 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.

Case Officer:	Jane McMullan
Authorised by:	A.McAlarney
Date:	20 July 2022

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council’s Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Legal Advice received. Further information sought from the agent.	N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can	A McAlarney	Awaiting agent on submission of requested information.	N

	area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	be secured for this proposal.			
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Application on hold to allow a Bat survey to be carried out by applicant. Survey season is May – August.	N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley		N
LA07/2017/0978/F and LA07/2017/0983/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	Agent to submit revisions following meeting.	N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N

PLANNING COMMITTEE MEETING 01 JUNE 2022					
LA07/2019/1748/F	Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works - Site on Upper Burren Road between No's 6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road Burren	Removed from the agenda at the request of Planners	Mark Keane	On agenda for meeting on 24-08-2022	
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/1009/O	Redevelopment of existing residential site - Residential development at 113 South Promenade Newcastle	Defer for a site visit – Roads Service to attend	Patricia Manley	Site visit 10-08-2022 – on agenda for meeting on 24-08-2022	
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney		
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney		
PLANNING COMMITTEE MEETING 27 JULY 2022					
LA07/2021/0987/F	Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F - Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road	Defer – Dfi to attend Planning Committee Meeting when application is next scheduled	Anthony McKay	On agenda for meeting on 24-08-2022	

LA07/2020/1864/F	Proposed barbers shop / hairdressers - Between no.39 Church Street Rostrevor & no. 2 Water Street Rostrevor	Defer for a site visit	Mark Keane	Site visit 10-08-2022 – on agenda for meeting on 24-08- 2022	
END					

Newry, Mourne & Down District Council – July 2022

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1. Live Applications

MONTH 2022/23	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2022	142	1,120	235
May 2022	132	1,070	248
June 2022	187	1,074	266
July 2022	129	1,070	265

2. Live Applications by length of time in system

Month 2022/23	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2022	660	225	89	37	109	1,120
May 2022	609	213	94	43	111	1,070
June 2022	618	190	115	42	109	1,074
July 2022	609	196	112	43	110	1,070

3. Live applications per Case Officer

Month 2022/23	Average number of Applications per Case Officer
April	69
May	66
June	66
July	70

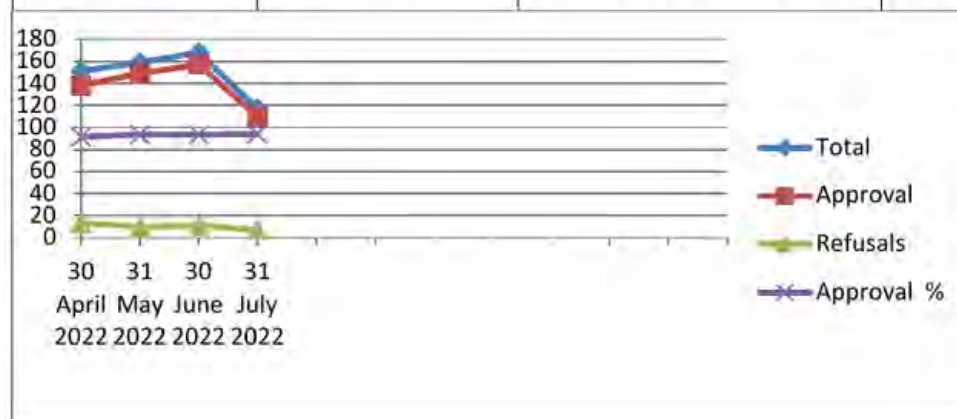
4. Decisions issued per month

Month 2022/23	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	151	139
May	159	152
June	168	162
July	117	110

Newry, Mourne & Down District Council – July 2022

5. Decisions Issued YTD

Month 2022/23	Number of Decisions Issued	Breakdown of Decisions	
April	151	Approvals (138)	91%
		Refusals (13)	9%
May	310	Approvals (287)	93%
		Refusals (23)	7%
June	478	Approvals (444)	93%
		Refusals (34)	7%
July	595	Approvals (554)	93%
		Refusals (41)	7%



6. Enforcement Live cases

Month 2022/2023	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	214	154	75	74	78	96	691
May	218	144	79	79	75	97	692
June	209	149	73	75	82	96	684
July	207	151	75	68	78	94	673

Newry, Mourne & Down District Council – July 2022

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7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
6 April 2022	10	7	3	1
11 May 2022	9	7	2	5
1 June 2022	9	6	3	3
29 June 2022	6	3	3	1
27 July 2022	3	0	3	0
Totals	37	23	14	10

8. Appeals

Planning Appeal Commission Decisions issued during period 1 June 2022 to 31 July 2022

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	30	1	0	1	0
Down	44	0	0	0	0
TOTAL	74	1	0	1	0

Newry, Mourne & Down District Council – July 2022

Statutory targets monthly update - July 2022 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	303.8	0.0%	123	147	20.8	34.0%	30	46	98.9	45.7%
May	1	-	0.0	0.0%	127	142	19.5	31.7%	41	39	61.6	59.0%
June	1	-	0.0	0.0%	137	154	15.4	47.4%	27	33	79.5	45.5%
July	2	2	97.9	0.0%	76	99	17.4	37.4%	22	45	177.7	48.9%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	4	3	128.4	0.0%	463	542	17.6	37.8%	120	163	99.8	49.7%

Source: NI Planning Portal

Notes:
 1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT LOCATION	Mr James Rogan Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 10/03/2020

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2020/A0003
Planning Ref:	LA07/2019/1021/	DEA	Rowallane
APPELLANT LOCATION	Mrs E Fitzsimons 53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 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	3	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	4	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	5		
Planning Ref:	LA07/2018/0293/	PAC Ref:	2020/A0156
APPELLANT	Paul McEvoy	DEA	Rowallane
LOCATION	Opposite 49 And Adjacent To 56 Darragh Road Darraghcross		
PROPOSAL	Erection of housing development consisting of 3 pairs of semi-detached dwellings, 1 detached chalet dwelling and 1 detached bungalow fronting Darragh Road.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2018/1616/	PAC Ref:	2020/C002
APPELLANT	David Trevor Shields	DEA	The Mournes
LOCATION	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel		
PROPOSAL	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	7	PAC Ref:	2021/0153
Planning Ref:	LA07/2021/0159/	DEA	The Mournes
APPELLANT LOCATION	Mr & Mrs S Morrison 37 Ballagh Road Newcastle		
PROPOSAL	Proposed Replacement two-storey split level dwelling with retention of existing dwelling for ancillary use		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2021/A0008
Planning Ref:	LA07/2020/0258/	DEA	Crotlieve
APPELLANT LOCATION	Johnny Farrell 49a Greenan Road Newry		
PROPOSAL	Co Down Retention of construction access with new improved sight lines- previously approved under P/2011/0702/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	20/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
Planning Ref:	LA07/2020/1568/	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	10		
Planning Ref:	LA07/2020/1360/	PAC Ref:	2021/A0022
APPELLANT	Charlie Magennis	DEA	The Mournes
LOCATION	Base And Morelli's 71-73 Central Promenade Newcastle		
PROPOSAL	Proposed erection of temporary retractable awning and lightweight structure		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

221

ITEM NO	11		
Planning Ref:	LA07/2020/1077/	PAC Ref:	2021/A0031
APPELLANT	Mr Eammon McAteer	DEA	Crotlieve
LOCATION	12 Cullion Road Mayobridge RT34 2H11		
PROPOSAL	Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard polystyrene for transfer to re cycling centers		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2021/0096/	PAC Ref:	2021/A0033
APPELLANT	Mr Bailey	DEA	Rowallane
LOCATION	18a Drumgivan Road Drumgivan Ballinahinch		
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			

Current Appeals

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ITEM NO	13		
Planning Ref:	LA07/2020/0770/	PAC Ref:	2021/A0034
APPELLANT	Jamie McDonald	DEA	Newry
LOCATION	Lands Approx. 40m NE Of 29 Clontigora Hill Newry		
PROPOSAL	Infill dwelling and garage, associated landscaping and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2020/0115/	PAC Ref:	2021/A0046
APPELLANT	Brendan Ferris	DEA	Slieve Croob
LOCATION	110 Southwest Of 50 Crawfordstown Road Downpatrick		
PROPOSAL	Retrospective change of use of agricultural building to gym		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

223

ITEM NO	15		
Planning Ref:	LA07/2020/0079/	PAC Ref:	2021/A0049
APPELLANT	M Farrell	DEA	Newry
LOCATION	Lands Approximately 50m North West Of No. 53 Ayalogue Road Newry		
PROPOSAL	Dwelling and garage on gap site		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
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	17	PAC Ref:	2021/A0074
Planning Ref:	LA07/2020/0387/	DEA	Slieve Croob
APPELLANT LOCATION	Mr C O'Connor 59 Drumnaquoile Road Castlewellan		
PROPOSAL	Change of house type and siting in substitution to Planning permission LA07/2018/1590/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2021/A0075
Planning Ref:	LA07/2021/0450/	DEA	The Mournes
APPELLANT LOCATION	Paul Smith 57 Castlewellan Road Newcastle		
PROPOSAL	Artist studio and study to existing dwelling, for domestic use associated with the dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

225

ITEM NO	19		
Planning Ref:	LA07/2020/0936/	PAC Ref:	2021/A0092
APPELLANT	Mr James Hughes	DEA	Crotlieve
LOCATION	Mountview Business Park Rathfriland Road		
PROPOSAL	Newry Replacement free standing vertical sign with logos to both faces		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2021/0790/	PAC Ref:	2021/A0107
APPELLANT	Mr & Mrs Wayne Garrett	DEA	Rowallane
LOCATION	135m South Of 58 Carsonstown Road Saintfield		
PROPOSAL	Single dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

226

ITEM NO	21	PAC Ref:	2021/A0109
Planning Ref:	LA07/2021/0473/	DEA	The Mournes
APPELLANT LOCATION	Rhys Dowsall 5 Killowen Road Rostrevor		
PROPOSAL	Retention of mobile home on concrete hardstanding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2021/A0112
Planning Ref:	LA07/2020/1834/	DEA	Slieve Croob
APPELLANT LOCATION	Mr & Mrs Christopher Kelly Approx. 200m SE Of No. 36 Mountain Road Ballynahinch		
PROPOSAL	Dwelling on a Farm		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	LA07/2021/1088/	PAC Ref:	2021/A0113
APPELLANT	MPG Wind	DEA	Crotlieve
LOCATION	Lands Approximately 230m To The North West Of 15 Barnmeen Road		
PROPOSAL	Rathfriland Proposed retention of existing turbine tower, replacement of existing turbine nacelle and blades with new nacelle and blades. The replacement nacelle and blades will create a hub height of 40m with a maximum rotor diameter of 31m and tip height of 55.5m (up to 250kW)		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	09/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2018/0932/	PAC Ref:	2021/A0116
APPELLANT	Dynes Bros	DEA	Downpatrick
LOCATION	No's 12 And 14 St Patrick's Way And Lands Between 12 And 14 St Patrick's Way Ballyhornan Road Ballyalton Downpatrick (amended Address)		
PROPOSAL	Detached dwelling on lands between 12 and 14 St Patrick's Way and amendments to existing dwellings 12 and 14 to provide additional lands, landscaping and amendments to previously approved parking arrangements. (Amended Proposal)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	13/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

228

ITEM NO	25		
Planning Ref:	LA07/2019/1206/	PAC Ref:	2021/A0118
APPELLANT	Kilbroney Timberframe Limited	DEA	Newry
LOCATION	Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street		
PROPOSAL	Proposed 8 dwellings (2 blocks of four terrace dwellings)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	13/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2021/0762/	PAC Ref:	2021/A0120
APPELLANT	Mr B McCallister	DEA	Rowallane
LOCATION	70 Old Belfast Road Saintfield		
PROPOSAL	Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

229

ITEM NO	27	PAC Ref:	2021/A0122
Planning Ref:	LA07/2020/0921/	DEA	Downpatrick
APPELLANT	Alan Humphries		
LOCATION	Adjacent To 127a Shore Road Kilclief		
PROPOSAL	Dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28	PAC Ref:	2021/A0128
Planning Ref:	LA07/2020/1002/	DEA	Slieve Gullion
APPELLANT	Cathal McGroder & Moira Fegan		
LOCATION	Site 50m West Of 15 O'Callaghan Road Tullydonnell Silverhridge		
PROPOSAL	Proposed erection of a dwelling house and garage.		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	28/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	29		
Planning Ref:	LA07/2021/0092/	PAC Ref:	2021/A0137
APPELLANT LOCATION	Mr Paul Henry Murney 39 Chapel Hill Road Mayobridge	DEA	Crotlieve
PROPOSAL	Newry Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	04/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30		
Planning Ref:	LA07/2021/0174/	PAC Ref:	2021/A0138
APPELLANT LOCATION	Mary Boal To The Rear Of No. 56 Milltown Street Burren	DEA	Crotlieve
PROPOSAL	Warranpoint Proposed dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	04/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31	PAC Ref:	2021/A0141
Planning Ref:	LA07/2021/1066/	DEA	Slieve Croob
APPELLANT	Sean & Linda Tumely		
LOCATION	Adjacent To And North West Of 150A Vianstown Road Downpatrick		
PROPOSAL	Single Dwelling House		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2021/A0143
Planning Ref:	LA07/2020/0518/	DEA	Slieve Gullion
APPELLANT	Mr Alan Milne		
LOCATION	100m North Of 245 Armagh Road Tullyhappy		
PROPOSAL	^{Newry} Retention of replacement agricultural store		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	17/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	33		
Planning Ref:	LA07/2021/0536/	PAC Ref:	2021/A0148
APPELLANT	Messrs. M & P Fitzsimons	DEA	Downpatrick
LOCATION	Lands 186m Due West Of 83 Crew Road Ardglass Downpatrick		
PROPOSAL	Proposed building for mixed use agricultural purposes.		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	23/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34		
Planning Ref:	LA07/2019/1375/	PAC Ref:	2021/A0149
APPELLANT	Cacola Ltd	DEA	Slieve Croob
LOCATION	Lands Immediately South Of 17 Leitrim Road Ballymaginaghy Castlewellan Co Down		
PROPOSAL	Erection of 2 Dwellings		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	35		
Planning Ref:	LA07/2021/1061/	PAC Ref:	2021/A0150
APPELLANT	Mr Dermot O'Hare	DEA	Crotlieve
LOCATION	Lands Between 17A And 17B Hilltown Road Mayobridge RT34 2A.1		
PROPOSAL	Proposed dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	02/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36		
Planning Ref:	LA07/2019/1490/	PAC Ref:	2021/A0154
APPELLANT	Castlehinch Ltd	DEA	Rowallane
LOCATION	North Of 7 And 9 Saintfield Road Ballynahinch		
PROPOSAL	Vary condition 10 of planning approval R/2011/0648/F: Condition 10: No other development hereby permitted shall be commenced until the works necessary for the improvement of a public		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	37		
Planning Ref:	LA07/2021/0502/	PAC Ref:	2021/A0156
APPELLANT	Mr & Mrs J Wade	DEA	Rowallane
LOCATION	71 Lisburn Road Lisdalgaun Saintfield		
PROPOSAL	Replacement dwelling and conversion of existing dwelling to domestic store.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	38		
Planning Ref:	LA07/2019/1262/	PAC Ref:	2021/A0158
APPELLANT	SJ Anderson & Sons	DEA	Rowallane
LOCATION	11 Lisburn Road Ballynahinch		
PROPOSAL	Replacement of existing dwelling with 4 townhouses and associated site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	39		
Planning Ref:	LA07/2021/0639/	PAC Ref:	2021/A0161
APPELLANT	Declan Clarke	DEA	Newry
LOCATION	Located Upon Lands Approximately 50 Meters North Of No 33 Ferryhill Road		
PROPOSAL	^{Clontarf} Proposed Erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	40		
Planning Ref:	LA07/2021/0578/	PAC Ref:	2021/A0162
APPELLANT	Mr Brendan Quinn	DEA	Slieve Gullion
LOCATION	Located Upon Lands Approximately 40m South East Of No. 20 Creamery Road		
PROPOSAL	^{Carran} Proposed erection of a rural infill detached dwelling house together with detached domestic garage, site works and associated landscaping		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	41	PAC Ref:	2021/A0163
Planning Ref:	LA07/2021/0361/	DEA	Slieve Gullion
APPELLANT	Gerard Murphy		
LOCATION	Approximately 84 Metres North East Of No. 2 Milltown Road Lislea		
PROPOSAL	C/o Armanh Proposed erection of an agricultural storage building and associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	42	PAC Ref:	2021/A0168
Planning Ref:	LA07/2020/1025/	DEA	Downpatrick
APPELLANT	Patrick Fitzsimons		
LOCATION	Adjacent To And North West Of 59 Annacloy Road Downpatrick		
PROPOSAL	RT30 9A0 Proposed dwelling accessed by existing entrance and proposed new entrance for 59 Annacloy Road, Downpatrick		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	43		
Planning Ref:	LA07/2021/0066/	PAC Ref:	2021/A0169
APPELLANT	Mr Peter Connolly	DEA	Newry
LOCATION	3 River Street Newry BT34 1DQ		
PROPOSAL	Conversion of commercial property to four number self contained one bedroom apartments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	44		
Planning Ref:	LA07/2021/0552/	PAC Ref:	2021/A0173
APPELLANT	Stephen Grogan	DEA	Crotlieve
LOCATION	Between 1a And 1b Mullavat Road Newry		
PROPOSAL	Go Down Private dwelling on gap/infill site (two storey requested)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	17/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	45		
Planning Ref:	LA07/2021/0408/	PAC Ref:	2021/A0177
APPELLANT	Irwin Carr Consulting Ltd	DEA	Crotlieve
LOCATION	Lands Located To The Rear Of No. 7 Osbourne Promenade (together With Rear Access And Parking From Great Georges Street Smith)		
PROPOSAL	Proposed Retention of Existing Office/Storage Building to be used in conjunction with No. 7 Osbourne Promenade (amended description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	20/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	46		
Planning Ref:	LA07/2020/0982/	PAC Ref:	2021/A0178
APPELLANT	Mr Noel McKeivitt	DEA	Newry
LOCATION	Lands Approximately 55 Metres North West Of No.5 Upper Fathom Road		
PROPOSAL	Fathom Lower: Proposed erection of 2 No. Rural infill detached dwelling houses and detached garages, rural entrance pillars and gates, additional landscaping and associated site works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	20/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	47		
Planning Ref:	LA07/2021/0598/	PAC Ref:	2021/A0179
APPELLANT	Ryan Kelly	DEA	Slieve Croob
LOCATION	Adjacent To 104 Downpatrick Road Ballynahinch		
PROPOSAL	Farm dwelling, detached garage and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	48		
Planning Ref:	LA07/2021/0246/	PAC Ref:	2021/A0182
APPELLANT	Gerard Milligan	DEA	The Mournes
LOCATION	Immediately North-west Of 102 Tullybrannigan Road Newcastle		
PROPOSAL	Proposed 3no. self contained tourism units		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	05/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	49		
Planning Ref:	LA07/2021/0428/	PAC Ref:	2021/A0185
APPELLANT	Michael Berrill	DEA	Newry
LOCATION	Casa Bella Interiors 4 The Mall		
PROPOSAL	Newry Replacement of existing shop front sign		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	50		
Planning Ref:	LA07/2021/1747/	PAC Ref:	2021/A0186
APPELLANT	Walter Watson	DEA	Slieve Croob
LOCATION	Site Between 121 And 121a Ballylough Road Castlewellan		
PROPOSAL	New Infill Dwelling (CTY 8)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

241

ITEM NO	51		
Planning Ref:	LA07/2021/0339/	PAC Ref:	2021/A0192
APPELLANT	Mr Daniel Clarke	DEA	Rowallane
LOCATION	Lands Approx. 30m To North East Of No 16 Ringhaddy Road Killinchy		
PROPOSAL	Proposed site for dwelling in accordance with Policy CTY8 of PPS21		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	52		
Planning Ref:	LA07/2020/1796/	PAC Ref:	2021/A0196
APPELLANT	Joseph McKeivitt	DEA	Crotlieve
LOCATION	Immediately North West Of No. 4 Aughnamoira Road Warrenpoint BT34 2PR		
PROPOSAL	Erection of dwelling (amended address)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	53		
Planning Ref:	LA07/2021/1407/	PAC Ref:	2021/A0197
APPELLANT	Mr & Mrs Orr	DEA	Rowallane
LOCATION	Adjacent To 60 Carsonstown Road Carsonstown		
PROPOSAL	Saintfield Erection of Replacement Dwelling and Retention of existing building as outbuilding		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	54		
Planning Ref:	LA07/2021/0956/	PAC Ref:	2021/A0200
APPELLANT	David Og Downey	DEA	Newry
LOCATION	101m North West Of No.60 Lower Foughill Road Jonesborough		
PROPOSAL	Newry Proposed off site replacement dwelling and associated site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	24/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	55		
Planning Ref:	LA07/2021/0620/	PAC Ref:	2021/A0203
APPELLANT	Mr Martin Russell	DEA	Slieve Croob
LOCATION	Magheralagan Corn Mill Opposite 68 Drumcullan Road		
PROPOSAL	Downnatrix Restoration and Conversion of Magheralagan Corn Mill to single dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	56		
Planning Ref:	LA07/2021/1079/	PAC Ref:	2021/A0211
APPELLANT	Bridgeen King	DEA	Slieve Croob
LOCATION	7 Woodgrove Castlewellan		
PROPOSAL	Use of building as salon for home-working (retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	07/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	57	PAC Ref:	2021/A0225
Planning Ref:	LA07/2021/1123/	DEA	Slieve Croob
APPELLANT	Mr & Mrs Malone		
LOCATION	Lands Approx. 50m South East Of 55 Leitrim Road Castlewellan		
PROPOSAL	Proposed Site for erection of 1no detached off site Replacement Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	58	PAC Ref:	2021/A0229
Planning Ref:	LA07/2021/1188/	DEA	Crotlieve
APPELLANT	Frank Clerkin		
LOCATION	170 Metres North West Of 107 Kilbroney Road Rostrevor		
PROPOSAL	RT34 3RW Proposed extension to existing farm yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

245

ITEM NO	59		
Planning Ref:	LA07/2021/1091/	PAC Ref:	2021A0234
APPELLANT LOCATION	Mr Garth & Mrs Kathryn Belshaw Land Adjoining 26 Windmill Avenue Ballynahinch	DEA	Rowallane
PROPOSAL	Single Dwelling House		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	60		
Planning Ref:	LA07/2021/0251/	PAC Ref:	2021/A0235
APPELLANT LOCATION	Robin Dalzell Site Adjacent To 57 Castlewellan Road Newcastle	DEA	The Mournes
PROPOSAL	Single Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

246

ITEM NO	61	PAC Ref:	2021/A0239
Planning Ref:	LA07/2021/0368/	DEA	Downpatrick
APPELLANT	Mr & Mrs L Venney		
LOCATION	Lands Contained Between 1 Minerstown Road And 55 Rossglass Road		
PROPOSAL	Downpatrick 2 no. Infill dwellings and detached garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	62	PAC Ref:	2021/A0244
Planning Ref:	LA07/2021/1640/	DEA	Rowallane
APPELLANT	Luke Rea & Claire McIlwaine		
LOCATION	Lands Adjacent To And 35m West Of 73 Lisbane Road Ballynahinch		
PROPOSAL	Proposed Site for a Single Infill Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

247

ITEM NO	63		
Planning Ref:	LA07/2020/1906/	PAC Ref:	2021/E0010
APPELLANT	Eamonn McAteer McAteer Recyclin	DEA	Crotlieve
LOCATION	Lands At And To The Rear Of No. 12 Cullion Road Mayobridge		
PROPOSAL	Newrv Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	10/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	64		
Planning Ref:	LA07/2021/0778/	PAC Ref:	2021/E0057
APPELLANT	Norman Graham	DEA	Rowallane
LOCATION	50m North To Rear Of 46 Riverside Road Ballynahinch		
PROPOSAL	Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide lambing/calving, TB Testing onsite facilities with crush		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	21/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

248

ITEM NO	65		
Planning Ref:	LA07/2021/0780/	PAC Ref:	2021/E0058
APPELLANT	Norman Graham	DEA	Rowallane
LOCATION	50m North To Rear Of 46 Riverside Road Ballynahinch		
PROPOSAL	Erection and Use of Dwelling House		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	22/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	66		
Planning Ref:	LA07/2021/1361/	PAC Ref:	2021/E0069 LDC
APPELLANT	Mr Christopher Skelly	DEA	Slieve Croob
LOCATION	Land Adjacent And NW Of 50 Flush Road Ballyward Castlewella		
PROPOSAL	The formation of a laneway to the site and the digging of foundations		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	22/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

249

ITEM NO	67	PAC Ref:	2021/E0074 LDC
Planning Ref:	LA07/2021/0990/	DEA	Downpatrick
APPELLANT	Mr Brendan Starkey		
LOCATION	Approx 90m East Of 27 Bright Road Downpatrick		
PROPOSAL	The digging of foundations, the lying of concrete and the construction of a portion of block-work		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	16/03/2022
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	68	PAC Ref:	2022/A0019
Planning Ref:	LA07/2021/1781/	DEA	Rowallane
APPELLANT	Trevor Lindsay		
LOCATION	Between 5 & 7 The Nursery Killyleagh		
PROPOSAL	Site for Dwelling and Garage		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	26/04/2022
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

250

ITEM NO	69	PAC Ref:	2022/A0020
Planning Ref:	LA07/2022/0021/	DEA	The Mournes
APPELLANT LOCATION	Terence O'Hanlon 161 Bryansford Road Cross Kilronn		
PROPOSAL	Retrospective application for Garage building, also accommodating Home office and Gymnasium on hardstanding on increased Dwelling Curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/04/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	70	PAC Ref:	2022/A0024
Planning Ref:	LA07/2021/1011/	DEA	The Mournes
APPELLANT LOCATION	Gary Gordon 14 Church Road Kilkeel County Down		
PROPOSAL	Proposal for the erection of a shed for equestrian use and retention of extension to domestic curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	03/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

251

ITEM NO	71	PAC Ref:	2022/A0028
Planning Ref:	LA07/2019/1084/	DEA	Slieve Gullion
APPELLANT	CP & A Supplies Ltd		
LOCATION	110m South West Of No. 1 Carrickcroppan Road Camlough		
PROPOSAL	RT35 7HA Extension to the existing commercial yard		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	72	PAC Ref:	2022/A0029
Planning Ref:	LA07/2021/1982/	DEA	Slieve Croob
APPELLANT	Mr Trevor Nelson		
LOCATION	70m SE Of 5 Coach Lane Cottage Road Seaford		
PROPOSAL	New agricultural shed		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

252

ITEM NO	73	PAC Ref:	2022/A0046
Planning Ref:	LA07/2021/1041/	DEA	Slieve Croob
APPELLANT LOCATION	Mr & Mrs Anthony & Mary O'Prey To The Rear Of 9 Wateresk Road Dundrum		
PROPOSAL	Dwelling and detached garage with associated site works, including improvements to existing vehicular access		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/06/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	74	PAC Ref:	2022/A0072
Planning Ref:	LA07/2021/2178/	DEA	Crotlieve
APPELLANT LOCATION	Ms Kerry Boyle 3 Forest Hills Newry BT34 2FI		
PROPOSAL			

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	05/07/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2021/A0105
Appeal by:	Heather & Steven Verner
Appeal against:	The refusal of full planning permission.
Proposed Development:	Dwelling and garage
Location:	Adjacent & 40 metres north of Tullyveery Road, Killyleagh
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2021/0055/F
Procedure:	Written representations and Commissioner's site visit on 18 May 2022
Decision by:	The Commission, dated 7 July 2022

The Commission has considered the report by Commissioner Maeve McKearney and accepts her analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the reason for refusal has been sustained.

Decision – the appeal is dismissed

This decision is based on the following drawings: -

1. A 1:2500 site location plan, Drawing 856-01
2. A 1:100 and 1:500 Proposed site plan, floor plans and elevations, Drawing 856-03

ROSEMARY DALY
Principal Commissioner

PLANNING APPEALS COMMISSION
THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58

Appeal by
Heather & Stephen Verner
against the refusal of full planning permission for a dwelling and garage
adjacent & 40 metres north of 22 Tullyveery Road, Killyleagh

Report
by
Commissioner M McKearney

Planning Authority Reference: LA07/2021/0055/F

Procedure: Written Representations

Commissioner's Site Visit: 18th May 2022

Report Date: 27th June 2022

1.0 BACKGROUND

1.1 Newry, Mourne and Down District Council received the application on 11th January 2021. By notice dated 14th June 2021, the Council refused planning permission giving the following reason: -

1. **The proposal is contrary to the SPPS and Policy CTY1 and CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development does not sit within an otherwise substantial and continuously built up frontage and would, if permitted, result in the addition of ribbon development along the Tullyveery Road.**

1.2 The Commission received the appeal on 10th September 2021 and advertised it in the local press on 29th September 2021. One third party representation was received.

2.0 SITE AND SURROUNDINGS

2.1 The appeal site is an irregular shaped parcel of land located along the Tullyveery Road. The site is relatively flat but rises gently from the Tullyveery Road in an East to West direction.

2.2 The roadside boundary of the appeal site is defined by a hedgerow some 1 – 1.5 metres in height. To the south of the appeal site is a laneway. The boundary with this laneway is defined by both a timber post and rail fence around 1 metre in height. In parts a hedgerow some 1 metres in height also exists, this is interspersed with a number of trees. The western and northern boundaries of the appeal site consist of a post and wire fence which is approximately 1 metre in height which is also interspersed with hedging and trees.

2.3 The laneway to the south serves three dwellings and farm buildings, these are set back some distance from the road. To the south side of the laneway is a two-storey farm dwelling, which fronts onto Tullyveery Road. This farm dwelling is set within and beside a group of farm buildings. One such building is positioned gable onto road and an additional farm building also sits at roadside.

2.4 Adjoining the appeal site to the north is an irregular shaped parcel of land. This land contains a vegetative area which consists of a mixture of trees and undergrowth at roadside. Included in this parcel of land is an area to the north of this vegetative area, which also takes in an additional agricultural field.

2.5 Further to the North of this intervening parcel of land is a storey and half dwelling 32 Tullyveery Road and on an adjacent piece of land is a detached single storey outbuilding. These buildings are sited back from the road and are accessed via a shared laneway off the Tullyveery Road. The dwelling and outbuilding are setback broadly at the same distance some 40 metres back from the edge of the Tullyveery Road. Both buildings are orientated towards the road and are broadly positioned side by side, with a yard area separating both buildings. To the front of the outbuilding, is a concrete yard area and a low wall some 0.5 metres in height. The land between the Tullyveery Road and the low wall which sits to the front of the outbuilding is an

area of land which is interspersed with trees and undergrowth. To the front of the dwelling is a garden area, which is bounded by a hedgerow some 1.5 metres in height, this boundary is set back from the road. The land between the hedgerow and the Tullyveery Road is unmaintained and has vegetative undergrowth.

- 2.6 The surrounding area is predominately rural and is characterised by farm holdings and dispersed rural dwellings.

3.0 **PLANNING AUTHORITY'S CASE**

- 3.1 The site is outside the settlement of Killyleagh and therefore lies in the countryside as identified in the Ards and Down Area Plan 2015.

- 3.2 In assessment of this proposal, regard shall be given to the following policies, contained in:

- Regional Development Strategy 2035 (RDS),
- Strategic Planning Policy Statement (SPPS),
- Ards and Down Area Plan 2015 (ADAP),
- Planning Policy Statement 3 (Access, Movement and Parking),
- Planning Policy Statement 6 (Planning, Archaeological and the Built Heritage) and
- Planning Policy Statement 21 (Sustainable Development in the Countryside) – Policy CTY1 (Development in the Countryside), Policy CTY8 (Ribbon Development), Policy CTY13 (Integration and Design of Buildings in the Countryside), Policy CTY14 (Rural Character), Policy CTY15 (The setting of Settlements),
- Building on Tradition (Guidance Document),
In addition, to the history and any other material consideration.

- 3.3 The application site comprises a portion of a field set across a lane to the north of a dwelling and farm located at 22 Tullyveery Road. The site is defined by a post and wire fence along its southern boundary with the lane, and to the eastern roadside boundary of the site is hedging. The northern boundary of the site is defined by some mature trees and hedging, and to the rear western boundary is a post and wire fencing with sparse hedging in places. The site is relatively flat in topography.

- 3.4 The proposed site has a number of buildings set to the south, these include the farm dwelling at 22 and two farm outbuildings. All three buildings have a common frontage onto Tullyveery Road. To the north, is a dwelling and detached outbuilding at 32 Tullyveery Road. These two buildings do not have frontage onto the road. The garden of 32 Tullyveery Road does not extend down to the road. During the site inspection, the owner of the dwelling at 32 said that they had wanted to reduce the size of his garden as it was too hard to be maintained. The garden has been reduced in size with the side closest to the road somewhat 'rewilded' and closed off from his remaining garden with hedging. Similarly, the land between the outbuilding and the road is viewed as a small, wooded area. Therefore, the outbuilding has no frontage to the road. Neither of these two buildings have frontage to the Tullyveery Road. The agent referred to previous planning approval at No. 32 dating back to 1998 (R/1998/0291) which shows its residential curtilage extending down to the road. This

is not the situation on the ground now and as such the context of the site as it is viewed now must be given determining weight.

- 3.5 As such, there is no small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. There are three buildings with road frontage at No.22 however, there is no gap site for the purposes of this application.
- 3.6 Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS also confirms that, "*All development in the countryside must integrate into its setting, respect rural character and be appropriately designed.*" These considerations must also be assessed in the context of CTY13 and CTY14 of PPS21.
- 3.7 Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. A new building will be unacceptable where it fails to comply with criteria (a) to (e) of Policy CTY14. Having regard to criterion (d) of this policy, the development of this site would result in the extension of ribbon development when taken with the dwelling at 22 and its associated farm buildings. There would be a spread of development to the north of 22 which is not currently in place, and this would result in unacceptable ribboning.
- 3.8 Having considered the application in relation to the relevant policy considerations it is not considered that this proposal is acceptable. The proposal is contrary to the SPPS, Policy CTY1, CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, the proposed development does not sit within an otherwise substantial and continuously built-up frontage and would, if permitted, result in the addition of ribbon development along the Tullyveery Road. In light of the above considerations, the Council respectfully requests that the appeal is dismissed, and planning permission is refused.
- 3.9 Without prejudice in the event the appeal is allowed the following conditions are suggested:
- a) Standard time limit;
 - b) Visibility splays of 2 x 45 metres and any forward sight distance at the access to the public road, shall be provided in accordance with Drawing No. 856-03;
 - c) The access gradients to the dwelling and vehicular access gradient shall be formed so that there is no abrupt slope along the footway;
 - d) All new boundaries defined by a timber post and wire fence and native species hedgerow/trees; and
 - e) Submission of a copy of an NIEA Consent to Discharge of Effluent for the proposed site, to be agreed in writing by the Planning Authority, prior to the commencement of development.

4.0 Third Party's Case

- 4.1 A land registry map was submitted to the Commission for consideration. The third party submitted two representations to the planning application raising the following concerns: 'The protruding boundary of the proposed development north of 22 Tullyveery Road at position 2 O'Clock road edge, encroaches onto the No 32

Tullyveery Road site by approximately 30metres'. In the second representation they advised as follows; 'the soakaway for the septic tank is above and quite close to a covered original well that we use occasionally, the concern given was due to the stoney nature of the ground, that there's a possibility of contamination of the same and would like an opinion on this, a location map has been enclosed with the well marked blue'.

5.0 APPELLANT'S CASE

- 5.1 Planning Policy Statement 21 (PPS21) sets out the regional planning policies for development in the countryside. The key policies in respect of this appeal are *CTY1, CTY8, CTY13 and CTY14*. The Council consider that the application did not fulfil the requirements of Policies *CTY8* and *CTY14* and therefore sought to refuse the application on these policies alongside *CTY1* in that, the proposed scheme did not meet any of the exceptional circumstances where housing would be acceptable in the open countryside.
- 5.2 The appeal site is located along Tullyveery Road and is situated between existing dwellings at 22 and 32 Tullyveery Road. The site is irregular in shape and extends to 0.3 hectares in size. The site comprises undeveloped land which is currently grassed over and used for agriculture. The site is enclosed to the north and east by mature hedgerows and supplemented by trees along the northern boundary. The southern and western boundaries are delineated by post and wire fencing. The site is located within the open countryside. The area surrounding the appeal site generally comprises undeveloped agricultural land interspersed with agricultural buildings and single or small groups of dwellings. There is a collection of farm buildings on both sides of Tullyveery Road south of the appeal site and associated with the existing farm holding at 22 Tullyveery Road and a new dwelling at 21 Tullyveery Road. Access to the site is currently taken directly from Tullyveery Road at the southern corner of the site, at the junction where the road meets the laneway serving 24, 24A and 24b Tullyveery Road.
- 5.3 The dwellings in the immediate vicinity of the site are between 1-2 storeys in height with traditional pitched roofs and are finished in rough and smooth render and decorative brick.
- 5.4 This appeal seeks planning permission for the erection of a single dwelling with a detached garage. The proposed dwelling is for a one and a half storeys in height, centrally located within the site and orientated northeast. A single storey garage is proposed and is to be located towards the northern boundary of the site. The dwelling and garage are proposed to be finished with white plaster render with pitched low profile, interlocking, blue/black roof tiles. The external doors and windows are proposed to be uPVC coloured black/grey. Rainwater goods are proposed to be aluminum. Access is proposed to be taken from Tullyveery Road along the eastern boundary of the site in the form of a private driveway. The dwelling and garage are of a high-quality design with finishes and treatments that will respect the rural character of the area and the established built context. The layout and arrangement of the dwelling respects the traditional pattern of development along this stretch of the Tullyveery Road.

- 5.5 The existing vegetation along the boundaries of the site is proposed to be retained and enhanced through the planting of new hawthorn hedging to further promote integration of the development to its context.

Policy CTY 8

- 5.6 This policy states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy sets out an exception for small gap sites sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built-up frontage and provided these respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

- 5.7 The policy goes on to define a substantial and built-up frontage to include a line of 3 or more buildings along a road frontage without accompanying development to the rear. The amplification of the policy provides clarity on the definition of a road frontage and states at paragraph 5.33: - *For the purposes of this policy a road frontage includes a footpath or private lane. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked (as emphasized by the appellant).*

- 5.8 The Council does not dispute that the size, scale, siting and plot size of the proposal respects the existing pattern of development along the frontage.

Common Frontage

- 5.9 The satellite image (Statement of Case at Appendix 2) identifies the five buildings that comprise the substantial and continuously built-up frontage along this extent of Tullyveery Road.
- 5.10 The appeal site forms a gap in this frontage. The Council does not dispute within the officer report that the farm dwelling at 22 Tullyveery Road and the two outbuildings south of this dwelling have a common frontage onto Tullyveery Road. It is also clear from the supporting architectural drawings that the proposed dwelling on the appeal site would have a frontage to Tullyveery Road.
- 5.11 The Council's assessment is that the outbuilding and dwelling at 32 do not have a frontage onto Tullyveery Road. The Council considers that the dwelling house does not have a frontage to the road because the garden which serves these buildings do not extend to the road boundary.
- 5.12 The property at 32 is comprised of an extensive curtilage. The dwelling is circa 1.5 storeys in height, is positioned towards the northern boundary of the holding and its principal elevation has been designed to front the public road. As a result of the topography of the land, the dwelling is set at a higher level than the public road. The intervening land between the road and the front elevation of the dwelling is comprised of an embankment with a hedgerow at the edge of the public road and beyond this to the west is a grassed area, a second hedgerow and garden area, which all clearly form part of the curtilage of No.32.

- 5.13 A series of images have been provided (Statement of Case at Appendix 3) which deal specifically with the matter of common frontage. The images support the agreed position that No. 22 and associated outbuildings south of the dwelling have a frontage to Tullyveery Road. The images also demonstrate that whilst the dwelling at No.32 is set back from the edge of the road it is perceptible from, and retains a frontage to, the road. A series of images are also enclosed highlighting longer ranging views on Tullyveery Road looking south which affirm the dwelling's frontage to the road.
- 5.14 The amplification to Policy CTY8 as referenced above accepts that, *buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked*. Therefore whilst the dwelling at No.32 is set back from the public road, it retains a frontage to the road and this frontage is common to No.22 Tullyveery Road and associated out buildings and the appeal site.
- 5.15 The assessment of a common frontage must be a physical assessment of whether a building is perceptible from, and enjoys a frontage to, the road. The Council's assessment of frontage would suggest that a dwelling ceases to have a frontage to a road if its garden does not abut the road. This is not the case. Whilst a hedgerow has been planted between the road and dwelling house, this does not sever the relationship of the dwelling to the road. Furthermore, the policy or associated amplification do not identify this as a criterion informing the assessment of frontage and should not be given material weight in the assessment of a common frontage test.

Visual Linkage

- 5.16 In accordance with the amplification of Policy CTY8 (paragraph 5.33), a road frontage can also be achieved where the dwellings are visually linked. A series of images are provided at (Appendix 4 of the Statement of Case) which demonstrate the relationship between the dwelling at 22 Tullyveery Road and the two outbuildings south of this dwelling and the outbuilding and dwelling house at No. 32 Tullyveery Road north of the appeal site. The images demonstrate that when traveling north bound on Tullyveery Road there is visual linkage between the aforementioned buildings.
- 5.17 The appeal site therefore forms a gap in an established ribbon of development informed by virtue of the buildings which form the ribbon both sharing a common frontage and being visually linked. The appeal proposal will not therefore add to an existing ribbon of development. The proposed dwelling is sited to comply with the pattern of development along this side of Tullyveery Road with a modest set back which responds to the alignment created by the buildings at No. 22 Tullyveery Road and the outbuilding and dwelling at No. 32 Tullyveery Road.
- 5.18 It is our assessment that the appeal proposal would constitute a small gap within an otherwise substantial and continuously built-up frontage and is therefore compliant with the provisions of Policy CTY8 of PPS21.

Policy CTY14

- 5.19 Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the

rural character of an area. The Policy sets out five scenarios (a) to (e) where a new dwelling would be unacceptable.

- 5.20 The reason for refusal specifies that the proposal is contrary to Policy CTY14 in that, *"the proposed development does not sit within an otherwise substantial and continuously built up frontage and would, if permitted, result in the addition of ribbon development along the Tullyveery Road"*. The Council only makes reference to Criterion (d) when assessing the proposal against Policy CTY14. Our consideration as to why the application does not add to a ribbon of development is set out in our assessment of Policy CTY8 above and should the Commissioner concur with our assessment we would respectfully request that this reason for refusal is also not sustained.
- 5.21 In respect of policies CTY13 and CTY14, the contextual images exhibited (Appendices 3 & 4 of the Statement of Case) provide a reflection of the built-up nature of this extent of Tullyveery Road and the existing natural screening to the boundaries of the appeal site which will support integration of the appeal proposal. We concur with the Council's assessment of the proposal within the officer report in respect of Policies CTY13 and CTY14 (criteria (a)-(c) and (e)), in that the proposal will not be unduly prominent and the design is in keeping with the rural character of the area.
- 5.22 It is our assessment that the appeal proposal would meet the tests of Policy CTY8, CTY13 and CTY14 of PPS21 and would therefore be considered to meet the exception criteria for residential development in the countryside under Policy CTY1.
- 5.23 Having considered the planning conditions provided by the Council on a without prejudice basis, we would be in agreement that these conditions would be fair and reasonable to be attached to a decision, should the Commissioner be minded to allow the appeal. No objections were raised by any statutory consultees. It is our assessment that the appeal proposal is compliant with prevailing regional planning policy, and we would respectfully request that the appeal is allowed.

6.0 CONSIDERATION

- 6.1 The main issues in this appeal relate to whether the proposal is acceptable in principle in the countryside and whether it would result in the addition of a ribbon of development.
- 6.2 Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) acts as the LDP for the area wherein the appeal site is located. In the ADAP 2015, the site is located in the countryside outside of any settlement limit and in an Area of Constraint on Mineral Development. As the rural policies in the LDP are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. The Area of Constraint on Mineral Development has no bearing on this appeal proposal for a house in the countryside.

- 6.3 Regional planning policies of relevance to this appeal are set out in the SPPS and retained policy PPS21. There is no conflict or change in policy direction between the provisions of the SPPS and the retained policy PPS21 on the issues raised in this appeal. Therefore, PPS21 takes precedence in decision making in accordance with the transitional arrangements set out in the SPPS. Supplementary planning guidance is found in "Building on Tradition" – A Sustainable Design Guide for Northern Ireland Countryside (BOT).
- 6.4 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. One of which is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8 – Ribbon development.
- 6.5 Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy permits an exception for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. The policy headnote defines a substantial and built-up frontage as a line of 3 or more buildings along a road frontage without accompanying development to rear. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane.
- 6.6 The appeal site is a roadside plot of land, located along the Tullyveery Road. To the south of the appeal site is a dwelling at 22 Tullyveery Road and two farm buildings which sit at roadside. There is no dispute by the Council and appellant that all three buildings have a common frontage onto the Tullyveery Road. In my assessment these three buildings have a road frontage with the Tullyveery Road, in accordance with Policy CTY8.
- 6.7 In order for the proposal to be a small gap, it must be sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. In this instance the appellant is relying on the dwelling and an associated adjacent outbuilding at 32 Tullyveery Road. The matter in dispute arises in respect of these buildings, as to whether they share a common frontage or they are visually linked with the farm buildings and dwelling at 22 Tullyveery Road thereby resulting in a gap site in a substantial and continuously built up frontage onto the Tullyveery Road.
- 6.8 The dwelling and outbuilding at 32 Tullyveery Road, are set back from the road and are accessed via a private laneway. The dwelling is orientated towards the road and the boundary to the front of the dwelling is defined by a hedgerow some 1-1.5 metres in height. This boundary does not sit along the roadside, it is set back from the roadside. The land between this hedgerow and the road, is unmaintained and has an undergrowth of wild vegetation. The associated outbuilding is also orientated towards the road, to the front of this building is a concrete yard area which is demarcated by a low wall which is around 1 metre in height. This wall is set back from the Tullyveery Road. The land between the wall and the road is also unmaintained and is populated with trees and undergrowth. Therefore, the plots on which the dwelling at 32 and its adjacent outbuilding are located do not abut or share a boundary with the Tullyveery Road. Notwithstanding the appellant's views in

respect of what constitutes a common frontage. I consider that in order for a building to have frontage to a road, the plot on which it stands must abut or shares a boundary with that road. Consequentially these buildings at 32 Tullyveery Road do not have a common frontage onto the road. For the reasoning above the site is not a small gap site. Therefore, the appeal site is not an exception to policy and cannot be considered as 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.

- 6.9 The appellant has put forward the argument that a road frontage can also be achieved where the dwellings are visually linked. The dwelling at 32 Tullyveery Road and the outbuilding are some distance from the appeal site and set back from the Road. The appellant has relied on a number of photographic images in (Appendix 3 of the Statement of Case) to demonstrate visual linkage of the site with the outbuilding and dwelling at 32 Tullyveery Road. These images appear to have been taken outside of the optimum time for tree coverage. During my inspection in May, I was unable to see any visual linkage with the appeal site and the buildings at 32 Tullyveery Road, due to the increased greenery of vegetation. This is exacerbated by the undulating topography of the landscape, the positioning of these buildings and the bend in the road, which prohibit the buildings visually linking with the appeal site. As the parcel of land between the appeal site and these buildings is scattered with intervening trees/vegetation combined with the alignment and gradient of the road in my assessment there to be no visual linkage between these properties along the Tullyveery Road. Accordingly, it is my consideration that the appeal site provides a significant visual break along the road frontage and the buildings are not visually linked. On this basis I do not consider the dwelling at 32 or its associated outbuilding to have a common frontage to the Tullyveery Road or to be visually linked with the appeal site. The reason for refusal in so far as it relates to CTY8 has been sustained.
- 6.10 Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It then specifies five situations where a new building will be unacceptable. The Council only raised concerns with criterion (d) which states, a new building will be unacceptable, where a building creates or adds to a ribbon of development, which is specifically cross referenced to Policy CTY8. This proposal is not an exception to Policy CTY8 as outlined in my assessment above. The location of the appeal site, to the dwelling at 22 Tullyveery Road and its associated outbuildings are visually read together, however there is a visual break between the appeal site and the dwelling and outbuilding at 32 Tullyveery Road. This is due to the set back of these buildings from the Road, the undulating topography of the landscape, curvature of the road and the adjoining parcel of land which is treed/shrubs. As such this appeal site provides a visual break in the landscape which helps to maintain rural character. This proposal would extend development beyond that of the farm buildings and dwelling at 22 Tullyveery Road, adding to an existing ribbon of development. Therefore, I can conclude that the reason for refusal in so far as it refers to Policy CTY8 and CTY14 has been sustained.
- 6.11 No concerns were raised by the Council in respect of Policy CTY13 - Integration and Design of Buildings in the Countryside. As such this policy is not determining in this appeal. I note the Council referred to Policy CTY15 - The setting of Settlements within their Statement of Case. Reference to this policy would appear to be

misplaced as the appeal site is not within close proximity of a settlement. Furthermore, I note that the Council did not present any evidence in clarification of the relevance of this policy. Accordingly, I attach no determining weight to this policy.

- 6.12 The third party has raised concerns regarding land ownership and the location of a soakaway and septic tank to the proximity of an existing well. These are civil matters between the relevant parties and would not warrant withholding planning permission.
- 6.13 As the appeal proposal fails to satisfy the requirements of Policy CTY8 and CTY14 and no overriding reasons have been presented to demonstrate how the proposal is essential in the countryside, it is therefore contrary to Policy CTY1. The Council has sustained its reason for refusal.

7.0 RECOMMENDATION

- 7.1 I recommend to the Commission that the appeal be dismissed, and that full planning permission be refused.
- 7.2 This recommendation relates to the following drawings:-
1. A 1:2500 site location plan, Drawing 856-01
 2. A 1:100 and 1:500 Proposed site plan, floor plans and elevations, Drawing 856-03

List of Documents

Planning Authority: -	"A"- Statement of Case Newry, Mourne and Down District Council.
Appellant: -	"B"- Statement of Case by Turley Associates on behalf of Heather & Stephen Verner. "B1" – Rebuttal letter by Turley Associates on behalf of Heather & Stephen Verner.
Third Party: -	"C" – A Map provided to the Commission by Mr Trevor Mcilwain 32 Tullyveery Road, Killyleagh.